











# CALCUTTA REVIEW.

VOLUME LXXXVIII.

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*No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our sect, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.*

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# THE CALCUTTA REVIEW.

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No. 175.—JANUARY, 1889.

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## ART. I.—THE WORKING OF THE ARMS' ACT (XI OF 1878) IN THE LOWER PROVINCES.

THE subject of this Article does not seem on the face of it one which will interest the public in general ; but if I can show, as I shall attempt to do, that the working of the Arms' Act and Rules can be improved with mutual benefit to the public and to the revenue, the selection of such a dry and technical subject may be pardoned. I shall confine myself chiefly to those provisions which are in common, every-day use throughout Lower Bengal, and which are intimately connected with the wholesale destruction of game, and of the insectivorous birds which have recently found so staunch a champion in Mr. W. H. Rainey of Khoolna. Section 13 of the Arms' Act prohibits any person (except those generally or specially exempted from the operation of this section) from "going armed" with *any* arms ; and Section 14 similarly forbids the *possession* of *fire-arms* or *any* ammunition "except under a license, and to the extent permitted thereby." For the mere *possession* of swords, spears, and other such weapons, which come under the definition of the word "Arms" given in the Act, no license is necessary. For districts which have been "disarmed" under the Act there are special rules and conditions ; but as few, if any, of the districts of the Lower Provinces have, so far as I know, been subjected to these provisions, it is not necessary, for the purpose of this Article, to consider them. Any person wishing to 'go armed,' *i. e.*,

to "possess and use" arms generally, or simply to "possess" fire-arms, has first to apply to the Magistrate of the District. In the former case, the petition must be written on a non-judicial impressed stamp, the value of which depends on the number of weapons for which the license is required, at the rate of four annas for each weapon.\* In the second case, the application may be on plain paper. On receipt of the application the Magistrate is *bound* by Rule 10 of the Rules framed by the Bengal Government, to "cause such inquiries to be made as he may consider necessary as to the character of the applicant and his fitness to receive a license." This inquiry made, the license is either refused or granted. If granted, it is given in Form VIII in the first case, and in Form X in the second. Some of the conditions under which it is granted and held are printed in general terms at the back thereof; and, no matter when it was given, it expires on the last day of December of each year. The non-renewal of it is equivalent to the illegal possession of arms, and is punishable under Section 19 of the Act with "imprisonment for a term which may extend to three years, or with fine, or with both." I am not in a position to state the number of licenses now in force in Forms VIII and X throughout Bengal, and the number of guns and pistols covered by them, but it must be very considerable; and I believe that licenses in form VIII "to go armed for purposes of sport, protection, or display" very largely predominate. Apart from the political danger of allowing the possession of a yearly increasing number of fire-arms in the hands of ignorant persons, there is the local danger of their use in agrarian riots and affrays,—by no means uncommon in Eastern Bengal, —and in the heat of passion in sudden personal quarrels. The extent to which licenses are at present issued in each district under the provisions of the Arms' Act is not, therefore, a subject wholly unworthy of the immediate attention of Government. Under the existing rules it is left entirely to the individual judgment and pleasure of the Magistrate of each District to grant licenses freely, and even indiscriminately, or with caution and reserve. No two Magistrates would probably give the same interpretation to the words 'character and fitness' of Bengal Rule 10: and it would perhaps be difficult, under existing circumstances, to refuse licenses for guns with any show of fairness to five per cent. of those who apply for them. It would often be unfair or invidious to refuse a license to A, and to grant one to B, merely on the report of the police-officer or other person who makes the investigation prescribed by Rule 10. Such inquiries are, I fear, often the means of extorting a fee or present, in consideration of a favourable report. For all that they are practically worth,

they might as well be dispensed with altogether, and one of the causes of the unpopularity of the Act thus removed. The power of cancelment given by Section 18 of the Act would, in my opinion, amply suffice to guard against the continued possession of fire-arms by any persons known or found to be unfit to possess them. The Rule should be so modified as to assume fitness instead of unfitness, until the contrary be shown. The observance of the above Rule also adds considerably to the delay and harassment to which applicants for original licenses are now unavoidably subjected. But for its provisions, an applicant could present his application in the morning, and get his license not later than the same evening. As it is, he has to go away without knowing when to come again; nor can the Magistrate fix any date for the final disposal of the application, as he cannot possibly say how long the inquiry will take. The consequence is that, on the result being favourable to the applicant, the license is usually written out and kept in the office 'until called for.' He can no doubt have it sent to his address by post, if he deposit or send the necessary postage stamps, or it can be sent to him by post, "service bearing." But there are manifest objections to such a course. As a matter of fact, the licenses of those who have not called personally for them, or had them sent by post, are often distributed through village-chaukidars many months after the dates on which they were applied for. At the back of his license, when he has at last got it, the applicant will find some of the most important conditions on which he holds it; but to these should certainly be added the provisions of Sections 5, 16, and 21 of the Act. The first provides for notice of sale being given at the nearest thana, together with the name and address of the purchaser, if the licensee sells his gun at any time to any person not exempted from the provisions of the Act. The second provides that the arms shall, on cancelment, or on the expiry of the term of the license, be deposited at the nearest police station; and the third prescribes a general penalty for breaking any of the conditions of the license. Licenseholders cannot be expected to have the provisions of the Arms' Act and Rules at their fingers' ends; and the more fully the most important of them are set out at the back of the licenses, the better the law will be observed, and the less will be the hesitation to enforce it. On the face of it, each license bears the announcement that, whenever it may have been granted, its term expires on the 31st December of every year. The corresponding Bengalee date should invariably be added, as the English months and dates are not generally known in the Mofussil. To those who know the indolence and unpunctuality of the Bengali character, it is not surprising that no licenseholder in the country should realise the importance of this

fact, until just before or after the last day of the year. The consequence is an exceeding great rush for renewals during December and January, a block of work, and a delay of several months in writing out the renewed licenses and their counterfoils. To renew them on the day on which renewal is applied for is, owing to the large number of simultaneous applications, impossible. Then follows the difficulty in distributing the renewed licenses, intensified many degrees, which has already been described. Under the strict letter of the law (Section 16) every person whose license has not been renewed should, on or soon after the 1st January of each year, give up his fire-arms at the nearest thana. It is, I believe, generally felt by District Magistrates that to enforce this section strictly would be a hardship: a few months' grace is generally allowed. All this crush and inconvenience could easily be avoided by keeping a single 'Register of licenses issued and renewed'; by printing the licenses themselves on larger and stronger paper; and by using a rubber stamp with the word "Renewed" and a moveable date below it. The entries in the register should be alphabetically arranged according to the names of the applicants, and should contain such particulars as are necessary for their identification, with six or eight columns (each headed by a different year) in which would be entered, opposite to each license, under the initial of a Magistrate, the date of its renewal, of its cancelment, and all matters connected with it.

The license itself, would then be stamped with the rubber stamp above alluded to, or endorsed by hand, the application would be destroyed after comparison with the entry of date of renewal in the register, and the applicant could thus have his license renewed and returned on the same day. This procedure would not only facilitate reference and identification, but would do away with all the unnecessary clerical labour now involved—and for which no extra establishment is allowed—in writing out a fresh license and counterfoil every year. The identification of the fire-arms themselves could be secured by adding a column for the serial number of each, in order of grant of the original license, and this number might easily be affixed to guns by means of a brass or paper ticket let into, or pasted on, or by figures burnt into the stock. This, however, would only be necessary under special circumstances. Any such simplification of the renewal procedure would largely decrease the present complaints of the working of the Arms' Act, and would afford considerable relief to the Magistrates' establishments.

I now come to the question of fees. As far as my recollection serves me, the fee levied in England for the privilege of carrying a gun is ten shillings, and for the right to shoot game three guineas a year. For all the corresponding privileges in this

country, Europeans and other exempted classes and persons pay *nothing*; while those not so privileged pay *four annas a year*. The law and rules provide—and very rightly and justly so—that no fee shall be charged: (1) for fire-arms kept only in the house for protection; and (2) for fire-arms necessary to protect the crops of cultivators from the ravages of wild animals. Such licenses are given in Forms X and XI, free of all fee; and great care should, no doubt, be taken against their indiscriminate issue, and without the necessity for them being clearly shown. All other license-fees, except those for carrying and using arms, range from five to twenty rupees, and licenses under the Explosives Act are on the same scale. Why, in the name of common sense and financial necessity, should the luxury of owning and carrying a gun for sport (save the mark!) or display be obtainable for so small an annual sum as *four annas*? The fee should be at least five rupees, and might be as high as ten, without doing any one an injustice. It would be a tax of the best kind, imposed on a pure luxury, and easily realised. Another point which is important in this connection is that every license to carry a gun should only be granted subject to a close season for all birds and for such animals as are not destructive to human life or to crops. Such a condition would be far more effective than any Act of the Legislature in the same direction, and would soon come to be recognised, as it is in England, as a matter of course—*Sarkâr kâ hukam*. I venture to assert that nearly all those who now hold gun licenses at four annas a year would continue to hold them at five or ten rupees; if they did not, no harm would be done, but rather good.

There is another provision in the Arms' Act which seems to me to be a serious blot on it, and to be the cause of much of its unpopularity, viz., the severity of the penalties which attach, under Part VI, to serious and to trifling offences alike. Take, for instance, clause (b) of Section 19, under which if A sells his gun to B (who is not a person exempted under Section 27 of the Act), and does not give notice of the sale, and of B's name and address, at the nearest police station without unnecessary delay, he is liable to *three years' imprisonment, or to unlimited fine, or to both*. The necessity of giving this notice is not set out, as it should be, at the back of the license; and although ignorance of the law is theoretically no justification, it is not to be expected that the general public can ever learn those provisions of the Arms' Act which are not printed on the licenses. Take, again, the provisions of clauses (e), (f) and (i) of Section 19 under which the above severe penalty can be inflicted on any person who goes armed, or has fire-arms in his house, after the expiry of the term of his license; or on him who fails to deposit them under Section 16 at the nearest thana. If these sections were strictly

enforced, the present number of prosecutions would probably be increased a hundred per cent., and all the police-stations in the country would be full of guns for three or four months of every year, while the present cumbrous process of renewing licenses was going on in the Magistrates' offices.

No law should so err on the side of severity that the majority of Magistrates should hesitate to fully enforce it. Nor is it suggestive of good government to find such great diversity of practice in the mode of working an Act. To buy and use a gun for the first time without a license may be very properly a penal offence; but to attach *the same penalty* to the failure to renew the license by a given date is, I think, wholly unjustifiable. If the procedure for renewal, which I have already indicated, were followed, a glance at the proposed register would show, at once, those license-holders who had, and those who had not, renewed their licenses; and the necessary steps could be taken at any time against the most obdurate procrastinators. But it would, in my opinion, be far preferable to attach a penalty proportionate to the delay, and not to renew the license until that penalty was paid. Thus: renewal in December 1888 for the year 1889, would carry no penalty; for renewal in January 1889 for that year an extra fee of five rupees, payable in stamps, like the fee for the application itself, might be levied; in February ten rupees; in March fifteen rupees, and so on, one fee extra for each month, or three months of delay. This would teach the people the law far better than the threat of three years' imprisonment, and would cause far less trouble than the present procedure; it would also add to the revenue. Again, contrast the penalty provided by Section 32 with those provided by those clauses of Section 19<sup>a</sup> which have been discussed above. Under Section 32 the Local Government may take a census of the fire-arms in any local area. Such a measure would not, presumably, be undertaken without some good and valid reason connected with the public peace or safety. And yet the penalty for refusing or neglecting to produce any fire-arms under such special circumstances is only one month's imprisonment, or a fine of Rs. 200, or both: while the mere neglect to renew a license within time, or to deposit a gun at the thana, or to report the sale of any arms, is punishable *with three years' imprisonment and unlimited fine, or both*. All the penal provisions of the Act stand in need of revision and re-consideration. There is no need to keep a steam hammer to crack nuts, or to apply the same provisions to the Lower Provinces that may be necessary in Burma or in the frontier districts of the Punjab. The law requires more elasticity, and the procedure for the trial of most of the offences alluded to should be summary, and not as now, that of

warrant-cases. The provisions discussed above are those which chiefly concern the general public and the common interest. Parts II and III of the Arms' Act which relate to the manufacture, sale, import, export, and transport of arms, ammunition, &c., have a more limited, if to the Government a more important application. No radical change in them seems to be necessary. The few interests that they affect are powerful enough to make their own voices heard. If, however, any further restriction could be imposed on the large importation to this country of cheap fire-arms, it would be good policy to make it. The fees levied under these two parts of the Act, which vary from Rs. 5 to Rs. 20, appear to be sufficient.

A few words may be said regarding the Explosives' Act to which the rules of transport under the Arms' Act are also applicable. The overlapping of the two is somewhat confusing. The Explosives' Act applies to four classes of explosives properly so called, viz., nitrate-mixture, nitro-compound, chlorate-mixture, and fulminate; to ammunition caps, fuses, detonators, and such like; and also to gunpowder and fireworks. It is to the last two only that any reference is necessary. The trade in, and consumption of, the others is in the hands of large European firms and skilled experts. Rules have now been made under the Explosives' Act to provide for the safe custody and storage of gunpowder and fireworks, which were certainly much needed. For licenses to manufacture, possess, or sell these articles a fee of twenty rupees is necessary; to possess and sell, a fee of Rs. 10; and to possess only, a fee of Re. 0-8-0. The high fee levied on the manufacture and sale of fireworks contrasts strangely with the fee of only four annas, which is necessary to enable any person to carry a gun for the purpose of sport, protection or display. An exhibition of fireworks is, at its worst, an innocent, if childish amusement; the carrying of fire-arms threatens infinitely more danger both to individuals and to the public peace, and I see no reason whatever why the provisions of the Arms' Act as regards fire-arms, and the fees to be paid for licenses to carry or possess them, should not follow more closely those of the Explosives' Act and those in force in England. It is not a case in which the poverty of the people, or the necessity of self-defence from lawlessness and crime, or from wild animals, can generally be pleaded in these settled parts of the country. It is a luxury, pure and simple, and as such should be taxed as highly as possible. A few words are necessary on the subject of exemptions under the Arms' Act. Rule I of the Indian Government Rules exempts certain classes of persons; Rule II certain arms or weapons; and Rule III certain tracts of country. Of the last two I do not propose to say anything; but the list of exempted

classes of persons seems to be an unnecessarily long one. From time to time the Government also exempts individuals by name. If it be conceded that the procedure as regards gun-licenses should more closely follow that adopted in England, and should be looked upon as a legitimate and easy mode of increasing the revenue,—as a fiscal rather than as a repressive measure,—then, the exemption by classes of persons should either cease altogether, or be considerably restricted. If exemption be necessary at all, it should be confined only to individuals.

If made solely an individual distinction, it would be highly valued, and would enable Government to mark its sense of services rendered and of good work done for the State by private persons. The idea that underlies the whole Act and Rules seems to be, that it is politically dangerous to entrust our Native fellow-subjects with arms, and especially with fire-arms. As regards Lower Bengal, there is probably more danger to the possessor and user than to the State or to the public peace, and most of all to game and useful birds. That no restriction whatever should be placed on the possession and use of fire-arms is not for a moment contended. The iron hand should be retained, but it should be concealed by the velvet glove; all inquisitorial inquiries and irritating delays should be avoided, and loyalty assumed in the absence of special reasons to the contrary. The raising of the fees, which I so strongly advocate, would not I believe, paradoxical as it may sound, prove unpopular. The possession of a gun would become a distinction even more highly prized than it is now, and would be confined as it is in all other civilised countries, to those classes which alone can afford the luxury. It is essentially necessary, moreover, that the Government should declare its policy as regards the extent to which the provisions of the Act are to be enforced, and not leave each District Officer to judge for himself whether they are to be strictly or leniently worked. At present the Arms' Act is, I believe, more honoured in the breach than in the full observance, solely from a feeling that to observe it strictly would be both harsh and unnecessary. This alone is enough to condemn it in its present form. It may not be out of place here to suggest that Government call for some information not only as to the number and nature of arms' licenses issued in each district, but also as to the extent to which the provisions of the law and rules are observed and enforced. I am not aware that any such information has ever been called for since they came into operation;—but it is high time that 'stock' was taken, and the whole question brought under review.

GEORGE TOYNBEE,

*District Magistrate of Hooghly.*

## ART. II.—THE POLICE OF CALCUTTA.\*

### FIRE BRIGADE.

THERE was also a market establishment, costing Rs. 416 per mensem, for the inspection of weights and measures and publishing the price-current, a lock-up for males, another for females (called Kattrā), a house of correction, and a hospital for paupers at Mirzapore.

In reviewing the police of the internal thannahs, Mr. Shakspear found 113 houses under 10 Chowkidars and 6,530 under 22 in the Larkin's Lane and Pataldangah Divisions respectively. "The Chowkidars," he wrote, "have particular posts allotted to them, where they keep watch during the night; they are not allowed arms but carry sticks. In the morning they return to the thannah to report the occurrences of the night, after which, unless their attendance is required at the Police Office, they are at liberty to go where they please. There is nothing in the appearance of these thannahs different from any other native dwelling houses; there are no arms (the usual insignia of police) to be seen, nor anything that would indicate them to a stranger to be Police Offices, or places of refuge or resort in case of danger. I would recommend that a flag should be kept hoisted at each thannah; that the Chowkidars should be dressed in uniform—turbans and waistbands—and be allowed to carry a sword or spear. In this country, where every man's house is open to robbery, it is desirable to call in the aid of, fear in the prevention of petty crimes which cannot be often checked by the personal intervention of the watchman. The Upargashtee or Girdwari establishment," he explained, "are kept immediately under the eye, and reside near the residence of Mr. Blaquiére, and are employed in patrolling the town at night, in order to keep the peace and see that the Chowkidars are on their watch, and likewise, in cases of emergency, in the apprehension of offenders."

The Boundary Thannahs and subordinate posts (Phandeēs) are stationed at the head of every considerable inlet to the limits of Calcutta from the Chitpore Bridge to the Cooly Bazar. From this point passing the Fort to Kasheenaath Baboo's Ghat, where there is a Ghumtee or Post from the Mir Bhar thannah, there was no established boundary guard, and hence Mr. Shakspear suggested the conversion of Chandpal Ghat

thannah into a boundary-thannah, and the establishment of a new boundary-thannah at Old Fort Ghat, also a revision of beats at the rate of 100 houses\* to each Chowkidar. "But, in my humble opinion," he went on to say, "the system of police in the interior of Calcutta is radically defective. What, indeed, I would ask can be said of a police exercising control over nearly a million of people† (for the ingress of people in the day time from the environs must fully make up that number) which is supposed to be asleep all day with, only one office open for the cognizance of criminal offences. Yet, if I am rightly informed, this is not an exaggerated statement of the case, for the Chowkidars, being awake throughout the night, are allowed to sleep all day or pursue their private affairs.

Mr. Shakspear then proceeded to compare the crime of Calcutta with that of the provincial towns for the year 1818 and gave the following figures :—

	Dacca.	Patna	Murshidabad.	Total.	Calcutta.
Murder ... ..	.....	.....	3	3	3
Burglary ... ..	24	8	129	161	} ‡
Theft (of Rs. 10 and upwards) ... ..	32	63	49	144	

"The number of Chowkidars," he explained, "is greater in the provincial towns, but I apprehend that the real cause of the greater efficiency of the police in those cities will be found in the superiority of the system altogether, which combines the advantages of a day and night police, acting under written instructions and well-defined responsibility." Accordingly, he suggested a reform of the Calcutta Police on the model of that established in the Mofussil towns. There were to be 12 new thannahs, each with an establishment of 1 Thanadar, 1 Mohurri, 1 Jamadar, and 15 Burkundazes.

Simultaneously with this Report, an elaborate Note on the River Police, with suggestions for its improvement, was drawn up by Sir Charles D'Oyly, the Collector of Customs. As a further aid to the police, a Rule Ordinance and Regulation was framed to legalise the apprehension and punishment of persons of evil fame resorting to, or residing within, the limits of Calcutta.

\* The number of houses was estimated at 72,000.

† This, of course, was an estimate greatly in excess of the truth.

‡ Including burglaries and all thefts, however trivial.

The criminal law under which the Magistrates and Police acted was the common law of England, and this, though greatly modified by subsequent enactments, still to some extent regulates police procedure in Calcutta. In 1820 the number of persons arrested was 3,305, of whom 720 were punished for felonies, and 221 for misdemeanours. The value of property stolen was set at Rs. 1,52,786, and of that recovered Rs. 26,869. Foot-pads and highway robbers infested the streets; and in 1819 Mr. Spencer deposed to having been shot at with a pistol, the ball passing through the top of his hat.

In 1822 a number of prisoners were released from the Alipore Jail by the Governor-General in person in honour of Her Majesty's birthday—an oriental mode of giving expression to public joy, which was repeated in 1887 on the occasion of the Jubilee. In 1823, the Police Office and Courts were removed to the building now occupied as the Police Office and residence of the Deputy Commissioner. This fine house was originally the residence of Mr. Palmer, the merchant-prince, whose firm failed in 1830 for the modest sum of five millions sterling, and there is a tradition that he had there entertained five successive Governors-General.

In 1825 the use of the rattan as a punishment was substituted for that of the *kora* (or whip). Flogging for both civil and criminal offences was altogether abolished by enactment a few years later.

We have now reached the time of Lord W. Bentinck's famous administration,—a period within the memory of many living persons. The year 1829 is for ever memorable for the passing of Regulation XVII, under which the cruel custom of *Sahagamañ* was rendered illegal. The average number of *Satees* for the previous fifteen years was no less than 650, of which 287 belonged to the Calcutta division alone. In the same year active measures were undertaken against the Thugs and Badhaks by Major Sleeman and his devoted band of coadjutors. These miscreants had practised their horrid profession up to the very boundaries of Calcutta, and a family of Thugs was at this time residing in a house at Titaghar.

In the same year there was a police commission both in India and in England, and the result in Calcutta was the establishment of a closer supervision. The police, which had been from the year 1800 under the immediate control of Mr. Blaquiére, was in 1830 transferred into the hands of Mr. MacFarlane, who had succeeded Mr. Shakspear as Chief Magistrate, and of Captain Steel, who was appointed Superintendent under him. The functions of head of police and head of the municipality, which had hitherto been combined under the Chief Magistrate, were thenceforth separated. The office of Superintendent of Police in

Berdgal was abolished, and his police duties transferred to the Commissioners of Revenue and Circuit, who however exercised no jurisdiction in the town of Calcutta. The state of morality among the European portion of the force previous to these reforms is thus described by Mr. Shore in his famous Notes: "It would be difficult to find natives who were guilty of greater corruption and extortion than was practised by the English sergeants employed in the Calcutta police previous to the late improvements. Not only were offered bribes unhesitatingly accepted, but these men reaped a harvest from every affray or dispute that they could hear of. In such a case, one of them was soon upon the spot, and every method of intimidation was resorted to to persuade the party that was most to blame of the serious nature of the scrape he had got into. When his fears were sufficiently excited, a proposal was then made for him to give the other party a sum of money to make up the quarrel, of which the lion's share was taken by the serjeant for his good offices. . . . I am told that matters are better now; if so, it must, I imagine, be attributed, not to any increase of morality among those employed, but to the improved system of surveillance which has been introduced." Sir Edmund Ryan, too, who had every opportunity for forming a correct opinion, testified, in a charge to the jury delivered in 1832, to a great improvement in the force.

In 1835 the Calcutta Magistrates were first empowered to act singly. Hitherto, according to the ancient English custom, no criminal case could be legally tried unless at least two Justices were present. About the same time natives were first appointed to act as Honorary Magistrates for the town. In 1837 the office of Superintendent of Police in Bengal was revived by Act XXIV of that year. One Superintendent was appointed for the territories under the Government of the Presidency of Fort William, and another for the districts of the N.-W. Provinces. The powers exercised by the Commissioners of Revenue and Circuit in regard to the appointment and removal of Police Officers were at the same time withdrawn.

Mr. Halliday took this opportunity to advocate the subordination of the Calcutta Police to the Superintendent-General. "It is my opinion," he wrote, "that the Calcutta Police, like that of the rest of the country, should be placed under the Superintendent-General, and form part of the general system. For this the Calcutta Police is obviously well adapted, as it is in effect the very system which I propose for the provinces, and could not therefore fail to amalgamate with it successfully. Separated, the two systems of police (that of Calcutta and the Mofussil) will, whenever they come in contact, injure each other, as in practice they now do. United they would, in a very high

degree, assist each other's efficiency. In the districts which surround Calcutta, the greater crimes all emanate from the capital, and the Magistrates of the neighbouring zillahs well know the secure retreat which Calcutta affords to dacoits after the commission of robberies in the suburbs. The Superintendent-General of the Mofussil Police must be, for the most part, powerless in Hooghly, Midnapur, Burdwan, Nuddea, Jessore, Baraset, and the 24-Pergunnahs, unless he be at the same time Superintendent-General of the Calcutta Police. To be subject to his authority would in no degree weaken the latter, and the alteration would give an incalculable addition of power to the machinery of the former." The suggestion was not, however, acted on. In 1839 the police force of Calcutta was as follows:—

	Thanadars.	Naibs.	Chowkidars.	Jamadars.	Naibs.	Barkundazes.	Total.
Night watch ... ..	37	37	796	...	...	...	870
Day watch ... ..	...	74	444	...	...	...	518
Sidwal or Boundary Guard ... ..	...	...	...	7	21	220	248
Town Guard ... ..	...	...	...	1	9	118	128
Girdiwari and Upargashti } Guards	...	...	...	1	9	73	83
Total ... ..	37	111	1,240	9	39	411	1,847

The system in force was that introduced in 1830 with the additional precaution of enquiry every morning by Chowkidars at the door of each house as to whether all had been well during the night. The number of felonies in 1839 was 1,937, and of misdemeanours 2,934; 1,848 persons were arrested and 667 punished. There were 873 conservancy cases. The number had been larger, but had fallen off owing to the discouragement of prosecutors. The total number of criminals confined in the Calcutta Jail at the close of the year 1838 was 64, and in the House of Correction 84.

Colonies of Badhak dacoits from Oude had settled down close to Calcutta where they were carrying on their depredations. Mr. F. C. Smith, the very able Superintendent of Police in Bengal, discovered abundant proof that an European, an extensive landholder, had collected them upon his estate, precisely as was the wont of the native landholders in the Western Provinces, *viz.*, by giving security for their future good behaviour.

to the Judges and Magistrates and procuring their release from confinement. And there was too much reason to believe that, like them, he had employed them, or acquiesced in their employment by others, for the purpose of committing crimes. By a lucky accident Mr. Patton, the Magistrate of the 24-Pergunnahs, seized a gang of them with all their booty immediately after they had committed in Calcutta a dacoity attended with murder. At this time there was not a single street lamp in Calcutta. People of the upper class travelled mostly in palkees, and were lighted on their way by torches or hand-lanterns. The first improvement was effected by compelling the occupiers of houses to put up ordinary lanterns at their gates.

In 1845 Mr. Blaquiere retired, and "his distinguished services on the bench and in other departments of the public service, during a period of nearly half a century" were rewarded with a liberal pension for the remainder of his life. At the time of his retirement he was Senior Magistrate. The number of stipendiaries was then reduced to two, and the town divided between them. They were both barristers until 1852, when Haro Chander Ghose, the first native stipendiary Magistrate of Calcutta, was appointed.

At the same time (1845) the Supreme Government ordered a thorough re-organization of the police force, and Mr. Patton, then Chief Magistrate, was directed to abolish the existing force, and to organize in its stead a force similar to the London Police, with such modifications as the conditions of this country required. Accordingly, 31 thannahs and 21 phandeas were abolished, the town divided into three divisions, each under a Deputy Superintendent, and the divisions into six sections or sub-stations, making 18 in all. Thirty-six Inspectors and Darogahs were appointed, those drawing over Rs. 50 a month being promoted and dismissed only with the approval of Government. A suitable number of Jamadars and Chowkidars was also appointed. The residences of the Deputy Superintendents were called "Station Homes" and of Inspectors "Sections." There was also a Superintendent who resided at the Central Office, and the Chief Magistrate at the head of all. Nevertheless the discipline under this régime does not appear to have been very strict. Inspectors and town sergeants were in the habit of frequenting the taverns in Radha Bazar during the day, and drinking and associating with low classes of people. Vari-coloured clothes were worn in place of uniform, and the town sergeants especially were very slovenly in appearance. Smoking cigars on duty in the day time was a common practice. Singing on beat was so customary as to call for a special rule prohibiting it. Collisions between the police and the military necessitated rules still more clearly defining the limits

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of their respective authority. On the 14th September 1850, a native police constable was killed by a European soldier striking him with a club. The club, it appeared, was loaded with lead, the end and handle being covered with tin. From that time the native constables were forbidden to use any other weapon than "a common staff of a uniform size." Very little attempt was made to keep order in the streets. Kite-flying was in vogue, and in Clive Street vendors of goods erected their stalls in the middle of the road. The streets were dimly lighted with oil lamps far apart, and it was not till 1857 that gas was introduced, and then only into the main streets and places. By day the air resounded with the shrill monotonous squeak of ungreased cart-wheels, and jackals made night hideous. Bloated corpses floated by hundreds on the bosom of the Ganges, and the cruel rite of the *charak* was celebrated in the suburbs.\* The town was liable to invasions of professional beggars owing to the practice of indiscriminate distribution of alms at *shrads*. The number of prostitutes openly practising their vocation was in 1852, after very careful enquiry, estimated at 12,419. Bow Bazar was to the sailors in Calcutta what Radcliff Highway was to the same class in London. The whole locality was honeycombed with dens of iniquity. Chunagulli was the head-centre of vice in every form. The sailors looked upon the place as their own. The street was hung with flags of all nations, and at night was a scene of revelry and debauchery. Parties of drunken sailors might be seen driving the police before them. Cutting and wounding cases became so common that it was necessary to disarm seamen of their knives. Here is a description of a disturbance of a kind which was common enough in those days:—

"On the 18th February 1855, a party of sailors, ripe for mischief, were parading a part of the town most unfrequently visited by persons of their class, and were amusing themselves by striking more or less every person passing them, or destroying the articles (water-jars, &c.) they carried. At length they entered a liquor shop and called for liquor, which, on getting, they refused to pay for, at the same time destroying the bottle it was served in, by throwing it at the vendor and decamping. They came to the part of the town inhabited by Malay lascars, men who are not disposed to quietly endure such rough usage, and had assembled

\* [Hook-swinging was put a stop to in Bengal by Sir Cecil Beadon in 1864, and cartmen compelled by enactment to grease their wheels a few years later. The hooks are now passed through the clothes at the back. It is said that last year hooks were actually passed through the flesh in French Balasore (Farash-danga).—ED.]

to resent it. Sheikh Sonaoolla, a Police Chowkidar on the spot, seeing that a collision was imminent, sent for assistance. The sailors meanwhile armed themselves from a fire-wood shop which happened to be at hand. By this time a party of police came up, when one of the sailors, by name Snownan, struck Sheikh Sonaoolla on the head with a heavy piece of wood and killed him. Snownan was arrested and tried for manslaughter, but was acquitted on the ground that he acted in self-defence." The number of false charges preferred was very great. Jewellers falsely reported the theft of gold and silver entrusted to them to make up as ornaments; pawn-brokers, of valuables pledged far below their worth; *dhobees*, of clothes given them to wash. Masters unjustly charged with theft servants, who, sick with long deferred hope of pay, had at length unceremoniously left them. Mistresses accused their faithless paramours of theft in order to induce them to return to their caresses. False charges of burglary were often supported by breaking a hole through the wall, the hole not unfrequently bearing unmistakable signs of having been cut, for the sake of secrecy, from the inside. The Magistrates, it was complained, erred on the side of leniency, and could seldom be persuaded to convict persons of laying false charges.

In 1851 Calcutta was "literally swarming" with dacoits who poured into the neighbouring districts and committed gang robberies nightly, and this state of things continued until again a special Commissioner was appointed for the suppression of dacoity, and made "a clean sweep of the whole," having them transported for life. An organised system of shop-lifting by Sanoreas from the Upper Provinces was also discovered and put a stop to. These clever day-light thieves were then prosecuting their calling in the remotest parts of Hindustan.

The Chief Magistrate Mr. Elliot, who succeeded Mr. Patton, complained that he had to select his native constables from a mass of cooly-like individuals who flocked to his office from all parts of the country, absolutely ignorant of their duties, quite unknown to him, and without a certificate of any description to show who they were or whence they came. There was no law by which he could enlist them for any given period or otherwise bind them to the Government service. They were worked to a degree to which no *sipahi* in the country would submit, whilst three-fourths of them were paid at the low rate of Rs. 5 per mensem and the rest at Rs. 6. A quarter of the force was changed every year by resignations, dismissals, or deaths. The prospect of a pension, which had been held out to the force a few years before as an inducement to serve on, was found powerless to effect its object.

Various Acts, Rules, Ordinances, and Bye-laws were passed for the better government of the Police Force between 1845 and 1856 when all were repealed by Act XIII of the latter year. This Act was framed for the better regulation of the police, not only of Calcutta, but of the towns of Madras and Bombay also. The force appointed in Calcutta under this Act consisted of a Commissioner (Mr. Wauchope), a Deputy Commissioner (Mr. Roberts), 3 Superintendents, 30 Inspectors, 10 Town Sergeants, 82 Native Officers, 1,393 Constables and 6 Sowars: there were also 12 Manjhees and 92 Dandeers for the river. A portion of the force was set apart as a reserve, an arrangement which was an innovation. A roster, allotting one-third of the force for day, and two-thirds for night duty, with an equal division of day and night duty among the men was introduced. The uniform was much improved. The Chowkidars were dressed in white chapkans, with red plate-like turbans and kamar-bands. Rattles were discarded and dark-lanterns adopted. The officers' dress was pretty much the same as at present, except that the Darogahs and Jamadars wore swords. Subsequently, a numerical reduction was made of 80 constables in order to improve the position of the rest. The Reserve Force was diminished, and the number of Town Sergeants and European Constables increased to 35 in order to cope with a great accession of the loafer population which took place during the Mutiny. It was ascertained that there were upwards of three hundred Europeans and Americans in Calcutta without employment, and many of them old offenders. These waifs and strays of humanity caused great annoyance by waylaying and robbing gentlemen on the *maidan*—the fogs of the cold season very much favouring this form of crime. The evil was not entirely suppressed till many years afterwards, when the passing of the Vagrancy Act and establishment of a work-house put a stop to it. It was, however, much ameliorated, and writing in 1860, Mr. Wauchope said: "Three years ago there were several streets in Calcutta where it was almost impossible for a respectable person to appear in the evening without being insulted, or assaulted by Europeans. The same streets are now perfectly quiet, and though numbers of seamen are seen there, few are drunk, and they are almost invariably well behaved; and this is the more extraordinary considering the enormous number of Europeans who have been in Calcutta during the last year, most of them, at first, with abundance of money to spend on all sorts of debauchery." This improvement was attributed partly to an order issued in 1857 closing all liquor shops at 5 P. M., and partly to the strong force of European police employed. Calcutta also suffered much from the depredations of burglars residing

in the suburbs, and upon the recommendation of the Commissioner, this tract was in 1861 brought within his jurisdiction. Most of the burglaries reported from the Native quarters of the town were of a simple description, the entry being effected by cutting the string fastenings of a mat door, and the plundered property consisting of a few brass vessels. In the European quarter they were of a more formidable kind, and sometimes perpetrated by Europeans. An American named Hawkins caused quite a panic by his daring feats in this direction. Crime, according to the Commissioner, fluctuated very much in character. Sometimes there was an outbreak of one kind of crime, at another time of another kind. One year hackery-men stole the loads entrusted to them. In another year coolies appropriated property given to them for conveyance, and in the particular year of which he was writing, there was an unusually large number of domestic thefts. Servants were hired without certificates or enquiry, and, taking advantage of this laxity, professional thieves used to take service as table attendants with the sole object of robbing their masters. One celebrated thief served as Khitmutgar and robbed in no less than seven houses before he was detected. In 1886 domestic thefts took a new form, and it was discovered that gangs of Rajwars from Gaya annually visited Calcutta ostensibly to take service as punkah-pullers, but in reality to rob their employers.

A more serious form of crime in vogue at this time was the drugging and robbing of prostitutes for the sake of their ornaments. There were men in Calcutta, corresponding to the road poisoners in the Mofussil, but acting on a different system, who made a profession of this nefarious practice, and very frequently killed their victim.

In 1858 there occurred the famous murder of Leah, the wife of Mr. Judah a merchant, who was absent at the time in China. Circumstantial evidence of the most damning kind was produced against two men named Ezekiel and Nusseem, and a verdict of wilful murder was found against both of them by the Coroner's jury, but they were acquitted by the Supreme Court after a trial which lasted six days. Nine years afterwards, almost to a day, there occurred another murder in the same family, which, like the above, remained undetected and unavenged.

When the first of these murders occurred, there were no police charged especially with the detection of crime. There was indeed a class of persons, not of the police, but employed by them, who professed to find out the perpetrators of robberies and murders, and Mr. Wauchope writing in 1861 said, that "getting rid of these spies was one of the greatest difficulties

he had to encounter. The police relied entirely upon them, with the usual result. Their operations were calculated to defeat justice by making their bread out of the blood of the population. Their object was to secure rewards, not to suppress crimes; and it was their deliberate practice to allow robberies to proceed which they might have prevented if they had liked, and, at the same time, they took care not to denounce the influential members of gangs, or in fact any others if they paid better than the police." This terrible evil is sure to come into existence in every police force controlled by officers too anxious for a display of detective results. It is most difficult to eradicate, and Mr. Wauchope, though he may have scotched it, certainly did not exterminate it, for only a few years later, unmistakable signs of its existence were observable. Mr. Wauchope had the reputation of being one of the best, perhaps *the* best police officer Calcutta has ever seen. It may, therefore, be interesting to know what his views on the subject of detection were, and upon what lines he worked. These are his own words: "Man, by his original nature, pursues his fellow man with greater zeal and avidity than any other prey; consequently, I find that among the large number of men admitted into the police, there are always a few who show before long an extraordinary propensity towards this pursuit; others again remain for years without rendering any assistance in the detection of crime. When a man has done good work in this way he is promoted, and his services are employed where they can be most useful. They generally adopt some particular line. For instance, one is intimately acquainted with the operations of burglars, another with pickpockets, and so on; therefore, if I find thefts by pickpockets increasing at any place of public resort, I send to that neighbourhood officers acquainted with these persons, and an immediate stop is put to that description of crime; or if robberies by coolies increase in any part of the town, the officers whose particular line I know that to be, are stationed in that part of the town, and invariably with success." . . . . It is admitted by all that there are no thieves in the world so expert as those in India, and there is no mind so favourably constituted for the detection of crime as that of a native, and particularly that of a native police officer, properly trained, who has for years been employed on this pursuit and on this duty. If a theft has been committed by a professional, an expert police officer will be able to say at once by which of the various gangs, or, I should rather say society, of professionals in Calcutta it has been committed. Each of these gangs has quite a different method of carrying on business, but they are generally so dexterous in getting rid of the stolen goods, and

make their arrangements so well beforehand, that although the thieves who committed the theft are known, it is very often difficult to procure a conviction against them. Information regarding robberies is procured frequently from members of the same fraternity, and very often by women urged on by jealousy. In the trials before the Magistrates and Supreme Court all appears simple and easy. The police proceed to a certain spot, find the goods, and arrest certain persons who are tried and convicted; but very few people know the secrecy, tact, and exertion required in obtaining and following up a clue. The names of those who give information are rarely or ever disclosed; in fact, if such was to be allowed, the remainder of the gang would probably take steps to prevent the same person playing the traitor again, and the fear of this would effectually prevent our ever obtaining any information. Writing many years later, at the close of his second term as head of the Calcutta police, Mr. Wauchope repeated: "Regular informers are worse than useless. If a man gives information once, it is improbable that he will do it again, as he is more likely to betray the police than his companions. Of the hundreds of informers with whom I have had to deal in the course of my police experience, only three never deceived me. One was Sudda, a Bombay man, the second was Srinath, *alias* Chenoo Kaist, a native of Calcutta, and the third is one whose name it is unnecessary to mention. Where they picked up their information I never knew and never asked, but very few offences were committed within twenty or thirty miles of Calcutta regarding which one or other of the three did not know something, though, strange to say, none of them was ever known to give truthful information to any but myself."

Regarding the material with which he had to work Mr. Wauchope wrote: "I have found by experience that the natives of Lower Bengal, in the neighbourhood of Calcutta, do not as a rule make efficient policemen. They have neither the strength nor courage for this purpose. The Hindoos, who constitute about two-thirds of the Calcutta Police Force, are chiefly up-countrymen and a very large proportion of the Mahomedans are from the Furreedpore district. It has been said—but in my opinion without reason—that police officers should always, if possible, be natives of the country where they serve. The ordinary police constables should be superior in strength to those against whom it is his duty to watch. He requires the use of his eyes more than of his tongue, and even if he arrives in Calcutta ignorant of Bengali, he is always able to make himself understood. A riot by a Calcutta mob is now utterly impossible. Composed of numerous races, without cohesion or a single feeling in common, although made up of doubtful

characters from every part of India, it would be unable for a moment to withstand fifteen hundred men all drilled and trained to act in concert."

Mr. Wauchope appears, however, to have modified his views in later years, for when he returned to the police in 1873, finding a fine body of well drilled up-country men, he expressed it as his experience, that "policemen from the North-Western Provinces and Behar, though strong and pleasant to look at, were most unobservant, and when drilled to be something like soldiers, became perfect machines and unfit for ordinary police purposes." A certain amount of drill he admitted to be necessary in order to enable police officers to act in concert. He said that, having seen and read a good deal of police all over the world, his impression was that the failure of police as detective officers was usually caused by an excessive infusion of the military element, "for a man cannot be a good soldier and a skilful police officer." He recommended the enlistment of a greater number of Bengalees in the force, but admitted that it was no easy matter to procure men willing to submit to the strict discipline and hard work they would have to undergo. The best officers for ordinary purposes were, he thought, Mahomedans from Eastern Bengal, "for they are, as a rule, shrewd, intelligent, and possessed of a considerable amount of personal courage." For purposes of detection he wanted no better material than he possessed, for, in his opinion, "no men make better detectives than Bengalees. They are shrewd, calculating and patient to a degree, and equal to any detectives in the world." He thought that a good deal of nonsense was spoken and written in romances and elsewhere about detectives, and that in fact a good detective was merely a man of considerable shrewdness, accustomed to crime, and able "to put two and two together." In 1873, with a view to give effect to Mr. Wauchope's views, Mr. Hogg, who had returned to the Commissionership, sent officers into the districts of Jessore and Faridpur to recruit for the Calcutta Police, and about 10 men of these districts were enlisted. Half of them, however, almost at once disappeared. "Some disliked the hard work, some were afraid of the sahibs, others of the solitary night work, and of those left, few were physically well fitted for watch and ward." The Government, at whose desire the experiment was made, accepted it as an axiom that in a populous city where an organised system of watch is necessary, the up-country policeman will be found the better officer for the prevention of crime, but there are many qualities in the Bengalee which can be called into use for police purposes, and especially his capacity for the detection of crime. There is, in short, room for both classes in the Calcutta Police.

and neither could safely be dispensed with. From that time the enlistment of Bengalees has been principally for the purposes of enquiry into crime. Native officers of the higher ranks have been introduced and have been placed in charge of sections with a considerable amount of success, especially in certain parts of the suburbs peopled almost wholly by Bengalees. The conclusion that the up-country man is a more vigilant and trustworthy watchman than the Bengalee had long before been arrived at by the Bengalees themselves, who almost invariably, both in town and country, employ them in that capacity as durwans, &c., in preference to their own countrymen. I have dealt with this subject at some length, as it is one about which there has been great diversity of opinion among experts, and which is intimately connected with the well-being of the force. It is, moreover, the point in which the Calcutta Police differs most widely from the police of every other great city in the world. Mr. Wauchope's views are entitled to the utmost consideration and respect, for, as before said, he was not only unrivalled as a City Police Officer, but had many years' experience as a District Magistrate and Judge, and was an active member of the Police Commission of 1860. This Commission, though directed to make a comprehensive enquiry into police establishments throughout India, did not concern itself much with the police of the Presidency towns, which were fairly efficient bodies, but confined its recommendations for the most part to the Mofussil police which was in sad need of reform; and the immediate outcome of its deliberations was Act V of 1861, which was applicable only to the district forces. The main change affecting Calcutta was the transfer of the police of Howrah and the suburbs to the jurisdiction of the Commissioner of the Calcutta Police. Howrah was, however, almost immediately re-transferred and brought under the operation of the General Police Act just mentioned. The Commissioner of Police had, under the arrangements following the enactment of Act XIII of 1856, become President of the Municipality. His colleagues were Colonel (afterwards 'Sir') Henry Thuillier, and Baron Dowleas, the three being known as the 'triumvirate'. In 1862 the control of Municipal affairs was entrusted to the Justices for the town who formed a corporate body, with Mr. Schalch at their head.

In 1864 Colonel Bruce, another member of the Police Commission of 1860, was deputed by the Government of India to overhaul, *inter alia*, the Calcutta Police Force, and some further reductions were found feasible. These were not of an extensive nature, and by a re-distribution of the men it was found at the same time possible to provide an extra constable

for every six beats, an arrangement which had much to recommend it. The river police, which appeared to be in league with salt smugglers, was entirely re-organized.

The offices of Commissioner of Police and Chief of the Municipality were, at the urgent request of Mr. Schalch supported by Colonel Bruce, again combined, and Mr. Schalch was the first officer to hold the dual appointment. The object of the union was that by rendering "the police and the conservancy officers subject to the same head, effectual co-operation should be obtained in all grades of the services," and it was laid down by the Government that "it was not considered desirable that the Chairman, as Commissioner of Police, should occupy himself with the details of police administration, but rather that he should hold a position analogous to that of a Magistrate under Act V of 1861, and that the real administration should be vested in a Deputy Commissioner under the general direction and control of the Commissioner. This arrangement has continued to the present time, with the exception of a short period in 1872-73 immediately following the assassinations of Mr. Justice Norman and Lord Mayo, when the appointments were again temporarily separated. In 1866 Mr. Stuart Hogg became Commissioner of Police. The Calcutta Police was re-constituted, without alteration, under the provisions of Act IV (B. C.) of that year, and the tract known as the suburbs formed into a distinct police district under Act II (B. C.) of the same year, but remaining under the jurisdiction of the Commissioner of the Calcutta Police. The arrangement was a very clumsy one, and the laws regulating the police in the two areas became very complicated, so much so that for years it was found convenient to ignore many of the provisions of the Code of Criminal Procedure which was in force in the suburbs but not in the city. In 1882 this Code was amended so as to suit the requirements of both town and suburbs. One of the most important amendments was the vesting in Calcutta Magistrates the power to demand from suspicious characters and habitual offenders security for good behaviour. This very necessary power they had not hitherto possessed. Since the passing of the Police Acts of 1866 the constitution of the force has been little, if at all, altered. The principal changes made were the infusion of a stronger Bengalee element as already related; an increase in the pay of the constables; improvement of the uniform by the substitution of the present more picturesque head-dress for the old flat Khitmutgar-like turban, and of a leather waist-belt bearing a brass-plate with the number of the wearer and the letter of the section to which he belonged for the red kamarband; and a re-distribution of the force so as to provide,

a small body of detectives under a Superintendent in both the town and suburbs.

This last-mentioned arrangement—which took place in 1868 consequent upon the failure of the police to detect the second murder in the Jewish family—was, after two years' trial declared to be "undoubtedly a great improvement on the old one. All important cases are investigated by the most competent officers in the force, and receive an amount of care and attention which it was impossible that inspectors in charge of sections could devote to them without neglecting their other multifarious duties. The Detective Department has throughout worked satisfactorily in conjunction with the regular police, and there have been no signs of jealousy or antagonism beyond that proper feeling of emulation which should actuate all good police officers. . . . The two work together in perfect harmony, and any credit for general results must be divided equally between them." Such was the opinion of Mr. Hogg, the author of the system. We shall see further on what Mr. Wauchope thought of this arrangement.

The number of town serjeants and European constables at this time was sixty. They were so badly paid, and so little able to withstand the numerous temptations falling in their way, that in one year there were no less than 107 changes in this small body. To remedy this Mr. Hogg reduced the number to fifty, and distributed the saving so as to improve their position. The result was as expected, that better men were obtained and remained longer in the force; but changes were still more frequent than was desirable. In 1872, after the assassination of Lord Mayo, as before mentioned, the offices of Commissioner of Police and Chairman of the Justices were temporarily separated, and Mr. Wauchope was again placed in charge of the former. His first step was to abolish the recently formed detective forces and to revert to the old arrangement, keeping, however, a few picked men for detective purposes under his own personal direction at head-quarters. He justified this retrogression in the following words: "Since 1868 the inspectors of police sections had been brought into immediate relation with the Commissioner and Deputy Commissioner. For purposes of supervision, two Superintendents only had been retained, one at the head of the city, and the other of the suburban Police, while there was a special detective department under a special superintendent to deal with heinous crime. I did not find this system work well. The local inspectors finding that in all serious cases the detective department took all the credit, had become careless and indifferent about crime; while the detective department, being practically of little use without local knowledge and assistance, worked often in the dark with

very dubious results." He placed the city of Calcutta under three, and the suburbs under two Superintendents, who were responsible for both crimes and discipline in their respective divisions and after a year reported, just as Mr. Hogg had done, that his own system was working smoothly and efficiently. "The regular Police," he wrote, "have I think improved in detective ability, and the small establishment of detective officers under my own immediate control have proved themselves to be extremely useful on various occasions, and I have, through them, means of obtaining information regarding persons and things which I could not have without them. Formerly the detective force was most unpopular, as the members of it were constantly harassed by being deputed on enquiries into every sort of offence in all parts of the town and suburbs, whereas now, their duties are comparatively light and agreeable to officers who take a pleasure—as a good officer must—in the detection of crime." Two special difficulties Mr. Wauchope had to encounter: one, a tendency of detectives to get on a wrong scent, and then perversely seize upon every piece of evidence to strengthen their false position, neglecting all things that might lead them to a different conclusion; and another, a desire to justify themselves in the eyes of the world by publishing abroad all they knew. The latter was checked by refusing to promote or reward any officer who neglected the first qualification of a police officer, secrecy, and trumpeted his own praises. The former he found more difficult to deal with.

In 1868, the "Contagious Diseases Act" had been introduced into Calcutta and worked by the police. Regarding it from a police point of view, Mr. Wauchope remarked that previous to its introduction very little was known to the police of the class of women to which it was applicable. "Men visited them at all times, and had every opportunity of getting away without being suspected after committing murder and robbery. But now the prostitutes, and every particular regarding them and their visitors, are well known to the police; they are considered to be under the especial protection of the police; and I am satisfied that it is owing very much to this, that since the Contagious Diseases Act has been vigorously worked in Calcutta, there have been so few murders of prostitutes. It seems to me that even if Act XIV had failed in every other respect, this fact—and I fully believe it to be a fact—would be a good reason for its continuance in Calcutta." The Act was repealed in Calcutta in 1884, and so far, there appears to have been no revival of this class of murders formerly so common. With a view to check crime committed outside the boundaries of Calcutta by persons residing within the town, Mr. Wauchope recommended

the extension of the jurisdiction of the Commissioner of Calcutta Police so as to form a large metropolitan circle. This he thought most especially necessary in the case of Howrah, which, as we have seen, was taken into the Calcutta circle, and almost immediately afterwards excluded in the year 1861, "for I know," he urged, "that during the period of dark nights in each month, a number of professional burglars go over there and return when there is moonlight; what they do there it is impossible for me to say, but I imagine they cross the river with no good intention, and probably not without wrongful loss to others." How they got there must have been still more mysterious, for Mr. Wauchope had a method by which he checked the vagrant tendencies of dangerous characters—a method which, though hardly suitable for mention in an Administration Report, was, nevertheless, evidently effectual. The method was this: On the last day of the moon he directed the inspectors of all the sections to bring before him the known or suspected burglars of their respective circles. He would then ask the inspector of B Section whether he knew the antecedents of the burglars of A Section, and if, as was expected, he replied that he did not, they were transferred to his custody for 24 hours for enquiry, and on the following morning were similarly passed on to Section C. The burglars of Section B. were similarly transferred to Section C, and so on through all the Sections. There were about fourteen Sections in the town, so by the time the burglars had visited all, the moon—the enemy of nocturnal thieves—had again begun to shed her protective rays upon the sleeping city. Russian-looking foreigners from the other side of the N.-W. frontier were dispatched *Thāna rāhdūri*, that is, from one police station to another to Peshawur. This expedient, involving as it did several months of police custody, did not meet with the approval of the authorities in the Upper Provinces, and was put a stop to by Government. The Commissioner of Police was, of course, vested with Magisterial powers or he could not have acted in this manner. Some years later a question having arisen as to whether a confession recorded by the Deputy-Commissioner could be received in evidence, the High Court decided in the negative, and the Magisterial powers of the Commissioner and Deputy-Commissioner were much restricted. In 1874 the offices of Chairman and Commissioner were, shortly after the return from furlough of Mr. Hogg, again united under that gentleman, and soon afterwards a detective force was re-formed by the withdrawal of men from divisions under one Superintendent for both town and suburbs, the divisional Superintendents being left as under Mr. Wauchope, and so things

still remain. The system of registering and supervising released convicts was greatly improved, and the police became far more successful in proving previous convictions and obtaining heavier sentences on old offenders. The frequent inadequacy of sentences up to this time amounted to a grave scandal. Thieves who had been convicted five or six, or even ten or more times, escaped with imprisonment for six or three months or even less. A very summary procedure in cases not committed to the Sessions tempted the Magistrates, who were vested with very inadequate powers, to dispose of cases themselves.

A further step on the road of progress was the connection of out-lying stations with the central offices by means of telephonic communication. A steam launch, too, was procured as an aid to the River police. The difficulty of regulating the traffic in the narrow approaches to the recently constructed Howrah bridge, was yearly becoming greater, and the police authorities were at their wits end for some means of preventing obstruction. Moreover the occasional visits of royal personages were making greater demands on the energies of the force than it was accustomed or equal to. With a view to relief, a small and well-appointed body of European and mounted police was organised, and has become, if not the most useful, at any rate the most ornamental branch of the force. A radical cure for the obstruction nuisance will be the opening of the new central road from Sealdah to the Howrah bridge. This will do more in the way of securing order in the streets than any number of mounted or Government policemen.

The question as to the separation or union of the appointments of Chief of the Police and of the Municipality has all along been a much vexed one. Mr. Schalch's views have already been given. Since these were expressed twenty-four years have elapsed, and we can now point to the relations between the Commissioner of Police and Corporation in both Bombay and Madras as proof that union is not indispensable to harmony, and to the statistics of nuisance cases in those cities as demonstration that separation does not necessarily involve neglect of conservancy duties. On the other hand, with the appointments united, his municipal work renders it impossible for the Commissioner to have much knowledge of the force or take much part in its management. He becomes the nominal, whilst the Deputy-Commissioner is the real head of the force, and responsibility cannot be fixed, and the administration is consequently weakened. Moreover, the arrangement involves an injustice. It is unjust to the officer immediately in charge of a great body like the Calcutta police, and practically responsible for its working, that he

should not have the full emoluments and name and title of the office. This view of the case has of late years been gaining ground, and was adopted by the framers of the new Municipal Bill for the amalgamation of the town and suburbs, which has recently become law. The point was not, however, carried without opposition, the principal advocate of the union system being, as before, the Chairman of the Justices, and one of the arguments used, that the dissociation of the offices would have the effect of injuring the prestige of the Chairman of the Corporation. His Honour the Lieutenant-Governor fortunately held an opposite view and, in a telling speech, laid stress upon the inconvenience and danger of a system under which, in case of a crisis, when some action was to be taken within half an hour or an hour, the person to be addressed was not the person to act. Representations in favour of the change had, moreover, been made by the Bengal Chamber of Commerce, the Defence Association, and the Anglo-Indian Association, and, in short, public opinion was almost universally in its favour. So we may now look to seeing the separation permanently made within the course of the next few months. The police of Calcutta and the suburbs will thenceforth be wholly paid by Government as in the Mofussil. It will then only remain to re-cast the Police Acts, so as to consolidate the two forces, town and suburban, into one body.

A. H. GILES,

*Deputy Inspector-General of Police.*

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### ART. III.—THE OUT-STILL QUESTION IN BENGAL.

FROM out-stills to distilleries, and from distilleries to outstills, the excise pendulum swings backwards and forwards; and just now, if we mistake not, the pendulum is steadily swinging back towards distilleries. The enquiry which Mr. Westmacott\* has recently made was limited to the districts of Hooghly and Howrah, and the object of such inquiry was to ascertain the truth or otherwise of the allegations made by the Indian Association—

1. That liquor has been cheapened by the out-still system;
2. That drinking and drunkenness have increased.

Broadly speaking, all the points for inquiry resolved themselves under one or the other of these heads. The indictment contains special counts alleging increase of quarrelling and fighting, outrages and crime, increase of intemperance among women and boys, and the opening of shops on objectionable sites.

Mr. Westmacott remarks that it cannot be said of the agricultural or labouring classes in rural villages, that they have always been distinguished for sobriety,—using the term “sobriety” to indicate total abstinence from intoxicants. He does not admit, however, that the use of intoxicating liquor generally involves drunkenness. Whatever may be the case among gentlemen, he is satisfied that very many among the labouring classes habitually drink spirits in moderation and without becoming intoxicated, and that the term *mafal* (drunkard) has been used without justice to include every one who drinks spirits or *taree*. Much evidence to corroborate these conclusions may be found in the Fifth Report of the House of Commons. During recent years the establishment of Jute Mills and other industries has given increased facilities for employment at higher wages to the class of landless labourers, thereby enabling them to spend more on liquor as well as on other luxuries, and the growth of intemperance among this class was the subject of remark long before the establishment of out-stills in the tract under report in April 1887.

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\* Mr. Westmacott, C. S., was appointed by the Bengal Government in December 1887, to inquire into certain allegations made by the Indian Association against the working of the out-still system in the Districts of Hooghly and Howrah. The Association also urged the desirability of introducing a system of local option in connection with the establishment of out-stills.

As regards the allegation of outrages, Mr. Westmacott demurs to the use of this term as being far too strong to describe accurately the occurrences which have actually taken place. There can be little doubt, however, that there has been a good deal of molestation on roads and in the vicinity of out-stills. Any molestation of a woman in a public place is regarded by the Bengali as a far more serious matter than it would be considered in a European country. If tipsy men have frightened women and amused themselves with their terror, and even touched them in an offensive manner, this is what a Bengali of any caste would consider as an insult, and a *bhadra lok* as an outrage. The higher the position of the gentleman whose women were molested, the greater would be the outrage, and the smaller the chance of redress, which could probably be obtained only by appearance in a Criminal Court. The Bengalis are not accustomed to the so-called fun and frolic of tipsy men, and there can be no doubt that their indignation in this matter is natural and genuine. These remarks apply with greater force to the allegations of trespass and house-trespass. Those who know anything of life in a Bengal village would presume the presence, and not the absence, of criminal intent in such cases. If Tommy Atkins entered a house in an inebriate state, and alleged he had done so "in fun," his statement would be received with a grain of salt, and a similar statement, made by Panchkori Bagdee or Tinkori Bowree, should be received with many grains of salt. The Indian Association also alleged that there had been an increase of thefts. Mr. Westmacott thinks this allegation unfounded, and remarks that the police and Magistrates know nothing of the increase. But there appears to have been a good deal of evidence pointing to an increase of petty thefts, especially thefts of garden and orchard produce. There might well be such an increase unaccompanied by any evidence of it in the police returns. Such petty undiscovered thefts are seldom reported, and if reported, the police frequently refuse to record the information in order to avoid showing a large number of undiscovered thefts. In a country where the drinking classes live very much from hand to mouth, an increase of drinking habits would naturally tend to an increase of petty thieving. The police, in reporting to a Magistrate what evidence there is for requiring a particular person to give security for good behaviour, almost invariably include an allegation that the man drinks wine, consumes intoxicating drugs (particularly *mudut*), gambles, or lives with a concubine,—the inference intended to be drawn being that the expenditure exceeds the ostensible income. If drinking habits largely increase among a class of landless labourers who live by daily

labour, it is not to be wondered at if a certain proportion of them should endeavour to supplement their legitimate income in dishonest ways.

We next come to the cheapening of liquor. Mr. Westmacott has found—and there can be little doubt of the correctness of his finding—that liquor has become very much cheaper since the substitution of out-stills for licensed shops, without any corresponding reduction in the strength of it. At some out-stills the price of the cheaper liquor has fallen by more than half, namely, from twelve to four and five annas the bottle; but there does not appear to have been anywhere so great a fall in price as 75 per cent., as had been alleged in the Memorial of the Indian Association. This fall in price is not peculiar to Howrah and Hooghly; it has taken place in all districts where out-stills have been substituted for distilleries. From experience of the districts of Bhagulpore, Purneah, Pubna, Burdwan, Midnapore, and Rajshahye, we should think the extension of the out-still system has cheapened by 50, or nearly 50 per cent. spirit distilled from rice and molasses, and by 60 to 70 per cent. that distilled from *mohwa*. There must, then, have been increase in drinking, though such increase has doubtless been less than would follow in England on a sudden fall of 50 per cent. in the price of spirits and malt liquors.

The cheapness of liquor has enabled boys to drink who could rarely or never have done so at former prices, and Mr. Westmacott found a good deal of evidence as to boys drinking; but generally, he could not find any ground for saying that school-boys have taken to drinking. No doubt, those who drink are a small minority, just as those who contract dissolute habits are a small minority. We exclude Calcutta, which is said to be worse in these respects than sudder Mofussil stations, where colleges exist. But the contraction of dissolute habits and drinking among school-boys would appear to go hand in hand. The circle may be a small one now, and if any real discipline were maintained by the educational authorities, it would, no doubt, become narrower; owing to the absence of discipline, however, it is inevitable that the circle should become wider and wider. Any increase of drinking among the upper-classes would obviously not be observable in the course of an inquiry such as that made by Mr. Westmacott. These classes do not drink on the premises, but send for their liquor and drink it at home. As regards the increase of drinking or intemperance among women, Mr. Westmacott could find no satisfactory evidence.

We are inclined to think that too much stress is laid on the selection of sites for out-stills, and that the importance of

this matter in influencing the amount of drinking is over-estimated. In 1886 the Board of Revenue directed that the sites of out-stills should be fairly accessible, so as to allow of proper supervision; but that they should not, without some good reason be near market-places, bathing ghâts, places of public resort, schools, hospitals, places of worship, factories, or in the interior of villages, or on the sides of roads leading to bathing ghâts, or places of worship. With reference to these directions, Mr. Westmacott found that nearly all the sites in Hooghly and Howrah were open to objection. He remarks: "I think that to remove a public nuisance, and also to remove temptation from peoples' way, no out-still should be permitted within a certain distance—say one, or perhaps two furlongs—of any town or market-place, or of any road leading thereto." We quite agree in the advisability of this restriction, *quoad* the removal or prevention of what may amount to a public nuisance; but we can scarcely believe that the having to go a furlong more or less can have any effect on the amount of drinking. The distillation of liquor should not be permitted to become a nuisance to those who live in the vicinity, and, probably, no evil effects would ensue if the selection of sites were left to Local Boards, provided the law gave the power to acquire any particular site in case of the refusal of the owner to part with it. The out-still shop should be in an out-of-the-way spot for obvious reasons, but its being so situated, instead of on the main thoroughfare of a village, will hardly tend to prevent drinking. On the other hand, a secluded site would afford greater facilities for secret buying of, or sending for liquor; and the idea that it is disgraceful to drink has by no means disappeared. But little stigma may attach to drinking in Calcutta and the area immediately around it; but further away, a *bhadra lok* would be ashamed to admit his drinking propensities.

We are doubtful of the possibility or advisability of enforcing a minimum retail price of liquor, irrespective of actual strength; but the point is not one of great importance, and possibly some good may be done by prescribing such a rule, while it does not appear that any harm can follow from it. It may be argued in favour of a minimum price that, if a man were known to be selling liquor below it, his license would be liable to cancellation, and that *sirkar ka hukum* still goes a long way among the people. But we have great faith in the *ἀνέμωος φρόνημα*, the Protean resource of the *abkar*, who bears a strong resemblance to the Heathen Chinese. He would in some way manage to disobey the order, or nulify its effect without being found out.

Mr. Westmacott summarizes the results of his enquiry in

stating that consumption has been encouraged rather than checked, while revenue has been unnecessarily sacrificed. Upset prices being based upon a low rate of duty, and there being little or no competition generally among the *abkars*, licenses have been granted at such low fees that the tax levied on the liquor is very much below that levied on spirits produced in central distilleries, and vendors make a larger profit now on each bottle than they could make by getting central distillery liquor at double the price. It may be noted that figures are not given to show that revenue has been unnecessarily sacrificed. Mr. Westmacott's final recommendations are the following:—

1. That the price of out-still liquor should be raised by prescribing minimum prices, and by equalising the incidence of duty with that levied on central distillery liquor, as far as possible, and by carefully graduating differences where they cannot be altogether removed ;
2. That no out-still should be allowed within a certain distance of any market-place or road leading thereto ;
3. That where *abkars* are unable to obtain unobjectionable sites, Government should provide them, taking up land for the purpose ;
4. That detective and preventive establishments should be increased, and that the question be carefully considered whether they should not be administered by the Police Department, still being paid from the excise revenue.
5. That rewards should be paid from excise revenue when the amounts realised from offenders appear inadequate.

Before discussing these recommendations, we may notice the Resolution of the Bengal Government on this Report, published in the *Calcutta Gazette* of the 17th October last. In this Resolution it is remarked that the revenue district of Hooghly—which includes Howrah—was originally excluded from the operation of the out-still system, but subsequently out-stills were introduced throughout the whole area, with the exception of a densely-populated suburban tract extending from Mugrah to the southern limit of the Howrah Municipality. The gist of the Resolution is contained in the third paragraph. The Excise Commission, in comparing the sudder distillery with the out-still system, remarked :—

“There is no difference in principle between the two systems, provided care be taken to limit the producing capacity of the out-stills, and to make the revenue paid on each, proportionate to its capacity. On the other hand, there is a radical difference between any system under which stills are taxed according to their producing-

power, or a duty is levied on the amount produced, and any system under which the distiller obtains the privilege of making as much spirit as he can, on payment of a sum fixed without reference either to the amount actually produced by him or his means of production. The Commission have no hesitation in condemning the latter for all times and places, whether it takes the form of out-stills without limit of producing power, or farms, or any similar arrangement."

On this the Resolution remarks: "The Lieutenant-Governor accepts generally the views contained in the whole of this paragraph, and, *whatever may be his decision ultimately* as to the possibility, under proper safeguards, of so working the out-still system as to free it from the reproach of artificially stimulating the sale of an unnecessarily cheap liquor, he is confident that, in this instance, those safeguards have not been carefully applied, and the reproach above indicated has been incurred, because the system—to which alone the Commission gave its approval—has not been properly, and with all its necessary restrictions, introduced. . . . It is probable that in other parts of Bengal the errors brought to light may equally obtain, and *without attempting to decide, without further experience, whether the out-still system, as safeguarded by the recommendations of the Commission, can ultimately be maintained*, the practical matter for immediate consideration is the reform of errors in the administration of the system actually in force over the greater part of Bengal." The Bengal Government is very emphatic in insisting on the maintenance and enforcement of measures for restricting the outturn of stills. Mr. Westmacott is inclined to forego the attempt to limit the size of the stills and vats. On this point we take the following important extract from the sixth paragraph of the Resolution:—

"Unless the experiment of limiting their capacity, or, in other words, of restricting the amount of proof-spirit to be distilled in a month in each out-still can be successfully carried out, Sir Stuart Bayley is unable to see how the out-still system can fail to degenerate into one under which the out-still holder becomes a farmer pure and simple, with full power and every inducement to cheapen his liquor and increase the consumption thereof to the utmost possible extent. . . . In fact, the system approximates perilously to that, which the Excise Commission specially condemned and desired to exterminate. The Lieutenant-Governor . . . must insist on the safeguards of limited capacity in the stills, and a similar, though, in proportion, a somewhat less restricted capacity in the vats—so as to avoid the temptation to too short fermentation—being given a full and fair trial, for it is his present opinion that, unless, by this or some other means, the outturn of liquor from an out-still can, in practice, be restricted, *it will be exceedingly difficult, if not impossible, to justify the continued retention of the system.*"

The portions we have italicised in the above extracts seem to sound the death-knell, if not of the out-still system, at

least of the enormous extension of it which has taken place since the submission of the Report of the Excise Commission in 1884. The vital question now appears to be whether the capacity of stills and fermenting vats can really be restricted. But before discussing this point, we will briefly notice the summary of Mr. Westmacott's recommendations. It must be borne in mind that the scope of Mr. Westmacott's inquiry was very limited, and that a more comprehensive inquiry into the Excise Administration generally might have enabled him to make more comprehensive recommendations. The fifth recommendation\* seems to be superfluous, as rewards can already be paid from excise revenue with the sanction of the Board, when the amounts realised from offenders are not sufficient. The third recommendation, that the Collector should have the power to acquire land for sites, has often been made before; and it seems necessary that this should be included within the words "for a public purpose" used in the Land Acquisition Act. The absence of such a power has been found inconvenient in the past in the case of tea-planters or indigo-planters owning large estates, and unreasonably refusing to permit the establishment of a shop on any portion of them. The second recommendation is unimportant, namely, that no out-still should be allowed within a certain distance of any market-place or road leading thereto. The fourth contains two distinct recommendations: (1) that detective and preventive establishments should be increased; and (2) that the question be carefully considered whether they should not be administered by the Police Department. As to the first, the extra establishments would only be wanted in districts containing both distillery and out-still areas; they would be wanted everywhere only as a corollary to the determination of the Government to make a serious and sustained attempt to enforce restriction in the capacity of stills and vats, an attempt which Mr. Westmacott thinks we may forego.

If the restriction of stills and vats is to be enforced, detective and preventive establishments should be increased; but we cannot agree in the suggestion that these establishments should be under the control of, and administered by the Police Department. The Police already have considerable powers as regards excise, and there are numerous offences of which they can take cognizance. Moreover, it is the duty of the Police in all countries, when required by the civil authority, to assist in such matters as the collection of revenue, the prevention of smuggling, the execution of civil process, the realization of civil decrees, &c. Surely nothing is to be gained, and much must be lost, by placing excise establishments under the Police Department, the officers of which have, as

a rule, no special knowledge of excise. There is no country where the Police have such varied and multifarious duties as in France. The Administrative Police supervise, *inter alia*, the laws relating to the public health, inspection of markets and food, the carrying on of trades and manufactures, weights and measures, public buildings, traffic, the regulation of public meetings, societies and clubs, printing and the press, as well as the publication and distribution of printed or written matter ; but it has never been suggested that the administration of taxes and customs should be placed under the police. The officers, for instance, who supervise the cultivation of tobacco, (which is a Government monopoly in France) are under the Treasury (Department of Finance), and not under the Police. The Indian Revenue and Excise authorities may learn much from the administration of the Inland Revenue in England. This Department includes Excise (which is a more comprehensive term than the Indian word) Stamps and Taxes, and may be broadly divided into in-door and out-door establishments. The excise surveying branch consists of a chief inspector, three superintending inspectors, eight inspectors, and about twenty assistant inspectors ; and below these officers, are collectors, collector's clerks, supervisors, examiners, division officers, ride officers, and assistants of excise. It will be seen from the reports of the Commissioners of Inland Revenue that they frequently acknowledge the valuable assistance and services rendered by the constabulary and the coast-guard ; but it has never been proposed, and it would be out of the question to place, the establishments of Somerset House under Scotland Yard and the Home Office. It should be borne in mind that excise establishments in Bengal are already, in a way, under the Police. That pivot of the administration, the District Magistrate, is not only the chief civil authority in the district, but he is also Executive Head of the Police. What more can be wanted to ensure the co-operation of the police ? The police are bound to obey the orders of the District Magistrate, and their services can already be fully utilized in the prevention and detection of excise offences. Mr. Westmacott's recommendation is not altogether clear, as the Excise Deputy Collector is merely the Secretary of the Collector, while the Collector (who sometimes keeps the Excise Department in his own hands) is also the Magistrate. The substitution of the District Superintendent for a specialist cannot be considered to be a move in the right direction.

Out of five recommendations then, three seem to be of comparative unimportance, while one is open to objection. There remains only the first, namely, that the price of out-still liquor should be raised by prescribing minimum prices, and by

equalising the incidence of duty with that levied on central distillery liquor as far as possible, and by carefully graduating differences where they cannot be altogether removed. It will be observed that this recommendation mainly contemplates districts containing both distillery and out-still areas ; but in many districts there are out-stills only. However, it may be admitted that in all districts the object to be aimed at is the equalisation of the incidence of duty with that levied on central distillery liquor. But what the Government wants to know is *how this is to be done*. It is admitted by all that the price of out-still liquor should be raised so as to be the same as, or at least to approximate to, the price of central distillery liquor of the same strength. That is the end to be aimed at ; but what is wanted is a statement of the means. What is required are specific recommendations as to how, and by what means, this very desirable object is to be attained. It seems to us that the retention of the out-still system on its present lines hangs on the solution of the following question : Can the Collectors of districts, as a matter of fact, enforce the restricted capacity of stills and fermenting vats ? That the Government of Bengal are keenly alive to the issue is manifest from the concluding sentence in the penultimate clause of the sixth paragraph of the Resolution ; in which it is stated that the continued retention of the out-still system depends on whether the outturn of liquor from an out-still can, in practice, be restricted by the above *or some other means*. Mr. Westmacott doubts whether practically any attempt has been made to restrict such outturn by limiting the capacity of stills and fermenting jars. Undoubtedly the attempt has been made ; though whether it has been crowned with success, is another matter. To start with, the settlement of the capacities to be allowed for different shops rests on two uncertain quantities : (1) the number of the drinking population, and (2) the consumption of liquor in the previous year. The most careful estimate of the former may fall wide of the mark, while it is notorious that the accounts of *abkars* are not remarkable for their accuracy. So, it has happened that in some cases *abkars* have been "hoist with their own petard." They may have shown a consumption of 100 gallons per mensem, whereas the real consumption may have been two hundred gallons or more ; so that the vat-capacity has been estimated on the lower figure to the prejudice of the vendor. However, it is not on these preliminary stages of the régime that we wish to lay much stress. District Officers have attempted to ascertain the number of drinkers and quantity of liquor consumed, and the information on these points ought to become more accurate from year to year. We will assume that the above matters have been ascertained with

a fair approximation to accuracy, and that a certain vendor is allowed a still of 10 gallons capacity and fermenting vats of 100 gallons. Can these restrictions be practically enforced? The district of Rajshahye may be taken as a concrete example. The want of an adequate staff is said to be more or less common to the whole Province, and if the Excise Deputy Collector in Rajshahye is unable, owing to more important duties, to move about the interior, we presume the same inability exists in other districts. Under the orders of the Board of Revenue, the Deputy Collector in charge of Excise and Income-tax is not to have any other duties; but as a matter of fact, he has one or two other departments, and in some districts, is actually the principal Magisterial Officer. In Rajshahye he is also in charge of the Certificate Department; for some time he had the Treasury; he always had to take a share of the criminal work; and for some time was the only full-powered officer! It stands to reason that the administration would seriously suffer were he often to visit the interior; and indeed, it would be almost a criminal act on the part of the Collector to permit him to leave the station often under such circumstances. We have besides an Assessor-Inspector,\* about two-thirds of whose time is taken up with Income-tax duties. Then, there is an Excise Mohurir for each sub-division, who is supposed to move about; but he has always a good deal of clerical work at head-quarters. With existing establishments, then, and with an inadequate staff at head-quarters, the restriction of still and vat capacities cannot be thoroughly enforced. But Mr. Westmacott makes a recommendation that establishments should be increased, and we will assume that in this respect, full effect has been given to the recommendations\* of the Excise Commission. We have no doubt that great results can be accomplished by personal zeal and energy; but excise is only one branch of the administrative tree, all branches of which must be attended to. *Aliquando bonus dormitat Homerus*. Even if all Collectors were passionately fond of excise work—which is far from being the fact,—still, the most keen and energetic official cannot always be on the *qui vive*; he must needs nod sometimes. Moreover, in a country like India, that is not the best administration which has to rely on anything approaching to an inquisitorial system, and which depends for its success on the zeal and integrity of comparatively ill-paid agents.\* The central distillery is more free from such objections, as it is under the eye of well-paid officials, and malpractices would be more likely to come to light. We make these remarks to show that the practical

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\* He is Assessor of Income-tax, and Inspector of Excise.

enforcement of the restrictions in question will require sustained and unrelenting watchfulness. We do not say that it cannot be done; but it is, perhaps, inadvisable to burden the district officer with too many matters requiring his constant personal attention. An instance of this is the Chaukidari Act, the successful administration of which makes great demands on the personal supervision of the Magistrate. If it is successfully worked, if the chaukidars are a punctually-paid and contented body, and fairly amenable to the control of the regular Police,—these results are probably attained with great effort, and at the expense of some other branch of the administration. So, the practical enforcement of limits of still and vat capacities will occupy much of the energy and valuable time of highly paid officials.

*Quoad* supervision and restriction, stills and fermenting vessels are not on the same footing. It seems to us that it would be comparatively easy to enforce the restriction as regards stills, but difficult in the case of vats. Vats can be kept in the interior of the vendor's house, and the materials for distillation removed as required. Moreover, they are ordinarily kept buried in the earth up to the neck. In Rajshahye they are kept in rows, with serial numbers. Duplicate tin tickets are made shewing the capacity of each, and one of these is hung round the neck of the vessel. Now, what is to prevent the vendor—even if he does not keep any vessels anywhere else—from substituting larger vessels for the old vessels, the capacity of which has been measured? Larger vessels can be made of exactly the same size at the neck or opening. An inspecting officer cannot worry a vendor by insisting on his digging up his vats. • The use of a larger still is a more difficult matter. Manufacture in another still in some adjacent place, even if within the vendor's own premises, would probably attract the attention of neighbours by the smell or in some other way. The vendor might have an enemy, who would inform the excise authorities, by an anonymous letter or openly, in the hope of a reward. Illicit fermentation and illicit distillation are thus on a different footing. An outsider would probably not know that the vendor was only allowed a certain number of fermenting vessels, even if he knew of the existence of extra vessels away from the still. This is the view that readily presents itself of the probability of illicit operations. But native officials think otherwise. They think the vendor would not risk keeping additional fermenting vessels for fear of a prosecution; but they say that he might work his still at night with far less risk, and that he would venture upon this. Considering that his shop would not be often visited, he would probably risk both illicit operations. If the official

who visited him were only an Excise Mohurir, he might bribe him to silence, though he could not count on always being able to do so, for the excise detective establishments feel that they are expected to justify their existence by the occasional detection and prosecution of offences. Mr. Westmacott brings to light another difficulty. He states that the outturn of liquor is frequently much larger than the fermenting capacity is intended to allow,—a result which is obtained by unduly increasing the density of the wash, and perhaps also by using wash which has not been completely fermented. \* He adds, in connection with this, that the liquor distilled is less wholesome than that previously distilled in central distilleries. Without saying then, that it is not practicable to enforce the restrictions on capacity, we hold that not only would increased establishments be necessary, but that both the Collector and the Excise Deputy Collector would have to expend much personal energy in the matter. The latter should not be burdened with much other work; and as regards the regular administration, this would be almost equivalent to seconding him. In all important districts an additional Deputy Collector would be required for the regular work. Having regard to these requirements, and to the fact that even then the results would still be a matter of uncertainty, it may well be doubted whether it would not be better to revert to the system of central distilleries in all head-quarter stations as well as at the more important sub-divisions, leaving those areas only to be supplied by out-stills, which are not accessible by road, river, or railway throughout the year from some central distillery. Having regard to the extra expense, the worry and harassment to the vendors, and even so to the ultimate uncertain results of the minute supervision, we are inclined to think that *le jeu ne vaut pas la chandelle*.

The recent enquiry made by Mr. Buckland with respect to the taxation of country liquor in the Presidencies of Bombay and Madras would seem to point to an abandonment of the out-still system, or to some radical modification of it. We are unable to discuss the Report or its specific recommendations, as the Government of Bengal have not yet passed orders on it. But a description of the various systems in force in Bombay and Madras is available from other sources,\* and the enormous revenue derived from country liquor in those Provinces may well make Bengal administrators doubt whether it is worth while to go on eliminating the anomalies and patching up the defects of the out-still system. In Madras and Bombay they manage to levy a revenue on every gallon of liquor that goes into

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\* See particularly the Report of Mr. Dalryell.

consumption. Under an out-still system this cannot possibly be effected. Of course, Bengal derives a much larger revenue than the other Presidencies from opium and intoxicating drugs; but having regard to its area and population, there can be no doubt that its revenue from country spirit ought to be much larger.

This article may fittingly be concluded with the following statements which deserve the serious attention of administrators of excise, while they afford valuable material for the decision of one of the most vital questions now before the Government of Bengal :—

*Comparative Statement of Country-spirit shops in Bengal, Bombay, and Madras.*

Presidency.	Area in square miles.	Population.			Number of persons to the square mile.	Number of country-spirit shops.	Average number of square miles to each shop.	Average number of population to each shop.
		Mahomedans.	Hindus and others.	Total.				
1	2	3	4	5	6	7	8	9
Bengal ..	145,169	21,485,776	45,105,677	66,591,453	459	4,280	34	15,558
Bombay ..	76,108	1,133,927	12,906,664	14,040,591	184	2,647	29	5,304
Madras ..	139,833	1,924,625	18,043,879	30,868,504	222	26,633	5	1,159

*Comparative Statement of Revenue from different exciseable articles in Bengal, Bombay, and Madras in 1886-87.*

Head of Revenue.	Bengal.		Bombay.		Madras.	
	Revenue.	Incidence per head of population.	Revenue.	Incidence per head of population.	Revenue.	Incidence per head of population.
Imported foreign liquor ...	Rs. 3,12,153	·005	Rs. 1,08,845	·007	Rs. 76,385	·003
Country liquor ...	56,58,824	·085	75,24,046	·456	83,31,280	·270
Intoxicating drugs ...	21,17,777	·032	2,18,042	·014	.....	...
Abkari Opium ...	20,19,146	·030	11,62,645	·070	6,76,318	·022
Miscellaneous ...	9,230	...	1,01,715	·006	16,479	...
	1,01,23,130	·152	91,15,293	·553	91,00,462	·300

## ART. IV.—THE LAND ACQUISITION ACT, AND THE LAW OF COMPENSATION.

### I.

THE Indian Expropriation Bill, as it was then called, was introduced into Council on the 19th of March 1869, and a statement of its objects and reasons is to be found in the *Gazette of India* for the 3rd of April of the same year. The Bill was, in due course, circulated for the opinions of the different authorities, and the then Advocate-General, Mr. Cowie, in his opinion, dated the 6th April 1869, stated that from his experience, a total change was necessary in the system of arbitration in vogue under the old Acts, which, in its practical working, led to something like a robbery of the public money. He did not think it would be possible and consistent with the principle of arbitration to subject an award once made, to appeal to the Lieutenant-Governor or to any judicial or other authority. *He would at once abolish the principle of allowing to the owners of land the selection of their own judges as a principle which experience had shewn to lead to nothing but abuse.* He further advocated the substitution of a permanent Government Commission for the valuation of all lands required for public purposes, the general principles upon which such valuation should proceed being defined as closely as possible by the Legislature.

The Act, which became law on the 9th of April of the following year, after having been reported on by a Select Committee, has now been in force, without amendment, for upwards of eighteen years over the whole of British India. To say that it has given satisfaction would be to pass lightly over the many interests involved in cases of this kind, and to leave uncriticised the important principles underlying the subject, the expression of those principles in the Act, and the machinery which is at work for the purpose of giving them effect by compensating the proprietor whose possession is disturbed, and at the same time giving public and semi-public enterprises of a certain description their full and legitimate scope. It is impossible to disregard the fact that in a large number of cases, proprietors, whose rights are affected, resent the interference of the law by all the means within their power; that there has been great difference of opinion as to the way in which the different interests should be dealt with; and that very often there has been ground for saying that an

accurate measure of justice has not been conceded to the deprived proprietor. The time, therefore, appears to have arrived when, without unduly challenging the good faith of the deprived landowners, or the force which is put in motion for taking their own from them on the ground of public convenience and overpowering necessity, the whole question may be broadly approached in a critical spirit for the purpose of utilising the lessons which are to be learned from the past, and drawing therefrom suggestions for future amendment or reform.

In the first place it is a fallacy to say that legislation on this subject in India has been, in any true sense, based upon the principles which have been established and acted on in England, or that the law and practice in the latter country have been adopted or actually carried out in India. The analogy, when tested by experience and practice, has proved to be only fanciful. As regards the machinery itself, the cases are so different that no one would presume to say that anything more than a resemblance of a distant character exists between the assessment by surveyors or arbitrators in England, and that by the Collector, followed by the judge and assessors in this country. The whole spirit and purpose in the one case differs from the intention in the other, as will presently be pointed out. And as regards the principles which have to be applied, and the considerations which are to be regarded or disregarded (as the case may be) in computing and measuring value in cases under the Land Acquisition Act, it may well be doubted whether these principles are more than imperfectly understood and roughly applied by those who have to administer the Act, and whether the Act does, in effect, as claimed by its originators\* and authors, state in a clear or a compendious form the law prescribed by the English Legislature as laid down by the English judges.

The interference by the State with the right of private property has, during the present century, been carried to an extent which, at first sight, seems incompatible with modern liberal principles. That the sovereign authority in any country is entitled, by virtue of its *eminent domain*, to regard itself as the virtual possessor of all the land of its subjects, who, in their turn, can only hold an estate—of various degrees of ownership in the property—which they have come to deal with and to regard as their own, is one of the fictions upon which the fabric of the English law, in common with that of other countries, rests. When, however, this principle is carried to its ultimate conclusions, and the landholder finds himself deprived of that which he has always regarded as an unassailable investment

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\* *Vide* Mr. Strachey's remarks in introducing the Bill.

for his capital, over which he was in the habit of exercising a *dominion* which could be interfered with by nobody, he naturally expects to receive damages of an exemplary kind, and complains if the value which he sets upon his property is not returned to him to the uttermost farthing.

The construction and extension of railways in England has caused the principles involved to be carefully considered and methodised. With the growth of large towns, State interference of various kinds, principally with reference to railways, municipal requirements, education, and licensing, has made free inroads upon the liberty of the subject, and has imposed certain restrictions upon the full enjoyment of his property; and from time to time, whenever it has become necessary for the enjoyment, health, or comfort of the inhabitants to construct new streets, to build board schools or water works, or in other ways to acquire the surface or subsoil of the land for the purpose of laying down water-pipes or lines of railway, it has come to be understood that private rights must give way to the requirements of the public at large, and that the owner of land, though he is entitled to be liberally dealt with in respect of compulsory acquisitions, is in no better position than he would have been if his land had not been taken from him, and that all the legislature will give him is a full indemnity and compensation in respect of his property. Whenever, therefore, any body of persons succeed in shewing that the enterprise they are engaged in is one, by which advantage will accrue to the public at large, they can claim to be invested with large powers to interfere with the right of private property by Act of Parliament or other authority from the Legislature.

Acts of this description, it has been held, must be treated as *contracts* between the company or body of persons who have the right so to acquire land, and the Legislature itself. In India, where private enterprise is comparatively rare, land is more frequently acquired by the Government itself. The Government takes the land, and the Government sees that it is taken according to law. The private individual, where land is taken, stands, therefore, upon his legal rights, and is justified in demanding that the Government should compensate him for what he loses. The early law on this subject is contained in a Regulation of the year 1824, which provided that, in the event of the Government tender being rejected, the compensation was to be assessed by four arbitrators, who chose an umpire; but all questions of title or apportionment were to be decided by the courts, and the costs of the arbitration were to be paid by the Government. The arbitration itself was final, except that it might be impeached on the ground of partiality or corruption. These provisions were extended and applied generally

in Bengal by Act XLII of 1850. In Bombay an Act of 1839 provided for a jury of twelve indifferent men who decided the amount of compensation, if the surveyors' estimate was not accepted. Similarly, in Madras, arbitrators were authorised to determine questions of title as well as the amount of compensation.

General Acts\* were afterwards passed, applicable to the whole of India, which referred the whole question of compensation to arbitrators, whose award was liable to be set aside by suit on the ground of misconduct.

The present Act is a reversal of the policy of the old law, which was more or less identical in intention with the English enactments, Government influence being, in theory at least, absolutely excluded by the employment exclusively of independent arbitrators. The English Lands Clauses Consolidation Act of 1845, with its train of attendant legislation, still adheres to the old principle of trusting to the integrity of independent valuers. By these Acts, compensation is assessed in various ways, according to the nature of the case :—

1. By surveyors ;
2. By justices ;
3. By arbitration ; and
4. By juries.

With respect to these, it is sufficient to remark that these Acts proceed upon the theory that one portion of the public is acquiring the property of another portion, and that the public itself, or its representatives, in the person of valueers selected for their independence and special knowledge, are the best judges of what should be paid. The assessment itself settles the amount only, and not the liability of the parties ; and, where the acquiring party refuses to pay, the remedy is by action at law. The Company's powers are also more or less clearly defined by their special Act, or the general Acts usually incorporated therewith.

On examining Act X of 1870, it will be found that a clear departure from English principles has taken place. The Act falls naturally into two parts, corresponding with the two stages in the history of every contested case. In the first place the Collector issues a notification, and public notice is given of the same at convenient places in the locality where land is likely to be needed. Upon this, entry may be made in order to ascertain if the land is adapted for the purpose required, a tender being made in respect of any necessary damage done to the land. In the event of a decision being arrived at to acquire the land, a declaration is published in the local official

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\* Act VI of 1857 ; Act II of 1861 ; and Act XXII of 1863.

gazette, and the land is marked out (if this has not already been done in the previous proceeding) and a plan made. The Collector then issues a general notice on or near the land to the persons interested, and also a special notice on the occupier and other persons interested, and may require any person to make a statement containing the name of every other person possessing any interest in the land and the nature of such interest, and of the rents and profits derivable therefrom. A failure to comply with such requisition is punishable under the Indian Penal Code. On the day fixed, the Collector proceeds summarily to determine the amount of compensation, and tenders the same to the persons interested who have attended. If they agree with him as to the amount, an award is made to that effect ; but if they are unable to agree with him, and also in various other events, the Collector is to refer the matter to the court. The second stage of the proceedings takes place before a judge and two qualified assessors, one nominated by the Collector, and the other by the persons interested. By Rule 39 of the Rules framed by the Board of Revenue, the former should be an officer of Government specially selected for that purpose. The judge and assessors then proceed to determine the amount of the compensation, taking into consideration the matters set out in Section 24 (the principles upon which compensation should be awarded). They are expressly directed to exclude from their consideration the matters mentioned in section 25. If the judge and one or both of the assessors agree as to the amount, there is no appeal from their decision. If the judge disagrees with both, his opinion prevails, subject to an appeal.

These may be said to be the general features of the Act. It is necessary to add that Sections 24 and 25 are to be read over to the assessors before they give their opinion ; but that, as to points of law, or usage having the force of law, the opinion of the judge is to prevail if they differ from him. Their function is to assist the judge impartially in determining the compensation, and not to be advocates themselves.

Any one familiar with the corresponding procedure in England, on looking at the Act for the first time, would not fail to observe that an attempt has been made to combine the functions of the independent valuer, whose province is concerned solely with questions of fact, with the functions of the judge, who has the power to deal with matters of law and title, and a sort of *mixed* tribunal is the result. The system is evidently the outcome of a compromise between one party who thought, with Mr. Cowie, that compensation should be assessed by a Government Commission in a sort of extra-judicial proceeding, in which the proprietor of the land should

have no voice whatever, and the party of conservatism, who adhered to the system initiated by Regulation I of 1824 upon the English model, and which was in vogue with somewhat unsatisfactory results down to the year 1870. That system, which left the entire question of compensation in the hands of persons of respectability and impartiality, who were selected to arbitrate between the parties, was, in its practical working, found to lead to something like a robbery of the public money.

- It remains to be considered whether the present system of divided responsibility has given any better results,—whether the assessor, instead of being an impartial and independent adviser, has not become, in reality, an advocate of the most partial description,—whether his function is not, in practical working, to impede and embarrass the judge on the one hand, or (if he be the assessor for the Government) to aim at reducing the compensation to the lowest possible figure, and to concur with an easy complaisance in any decision that may be given in his favour, though based upon a partial view of the evidence, or a hasty conclusion as to the principles and interests involved. It is further to be considered whether, under this system, proceedings are not unduly protracted, and whether the real merits of each case are always ascertained, and whether better justice would not be done by casting upon the judge the sole responsibility of deciding the amount of compensation upon the evidence before him, with the knowledge that in every case his judgment is liable to be examined and revised upon questions of principle and upon the weight of the evidence by a higher court of competent jurisdiction.

In order to understand the kind of questions that have to be decided by these mixed tribunals, it is necessary to see what limits have been placed upon their discretion by sections 24 and 25 of the Act. It must be remembered that these sections were, in the first instance, supposed to embody the principles\* which had long been established and acted on in England; the idea being that the law and practice of England should, so far as these principles were concerned, be adopted in the Bill. The question then arises as to the numerous decisions of importance that have since been given in the English courts upon the very principles embodied in these sections. Law does not remain stationary; and it would be easy to point to more than one instance where the views expressed by eminent judges have been adjudicated upon, and the law materially altered during the past eighteen years. There is one instance at least, where a judgment † of the House of Lords, over-ruling

\* *Vide* Mr. Strachey's speech in Council.

† *Rickett v. The Metropolitan Railway Company*. L. R., 2 H. L., 175.

a judgment of the Exchequer Chamber, which in its turn overruled the Court of Queen's Bench, has been from time to time questioned by English judges, and the hope expressed that the decision, which still remains the law of the land, might be set aside by legislative interference.\* It may be said that this decision turned upon a section of the English Act; but similar questions constantly arise in this country. It would certainly be the duty of the judge to consider the English rulings upon the point; but when the rulings are themselves conflicting, his task becomes one of some difficulty, and it is not likely that the assessors can give him much assistance. It might have been expected that judicial interpretation by the Indian Courts would have cleared up many of the difficulties; but as the matter stands, there have been very few decisions upon these sections, and judge and assessors are left to interpret them, more or less, by the light of nature.

The matters to which the judge and assessors are to give their attention in settling the compensation are four in number: the *market value* of the land; the damage caused where such land is *severed* from other land of the same proprietor; the damage sustained where other property of his, or his earnings, are *injuriously affected* by reason of the land being taken; and lastly, any reasonable expense to which he may be put on being compelled to *change his residence*. As regards the expression "market-value," much difficulty has arisen; but it is now ordinarily taken to mean and include the price which the property would fetch if laid out in the most lucrative and advantageous way in which the proprietor could dispose of it,† and the price for which the land, or any part of it, or similar land in the neighbourhood, has sold on previous occasions. The capitalised rental of the property may also be taken into consideration. It must be admitted, however, that the expression "market-value" is ambiguous, and in some cases difficult of application, especially where the land in question has never come, and is never likely to come into the market, in which case it is impossible to say that it has any market value at all, and it would be unfair to measure the value of the land by the price it would fetch if put up to auction. It may be questioned whether the expression in itself is not misleading and inaccurate, as it apparently precludes any consideration of the *price* which the land would fetch or

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\* The point being whether the owner of a house, or shop, or market should have compensation for injury caused to the good-will of the same by reason of an obstacle to the traffic where none of his land is taken, and only the profits of the business are impaired.

† *Premchand Bural vs. The Collector of Calcutta*, 1. L. R., 2 Cal., 103.

has fetched, and which is the only measure of what the land is worth to its owner. It has moreover been laid down by judicial authority\* that each case must be decided on its own circumstances, on the evidence, and on the nature of the property,—which is another way of saying that the expression has no tangible meaning, and which allows the utmost latitude of opinion.

As regards damage by severance and the expenses of removal to another residence, there is no particular difficulty as to what they mean. The former arises where one portion of a man's land is separated from another portion by reason of the acquisition, in which case it is usual to provide for "accommodation works" as a means of restoring communication between the two. In some cases, however, the acquisition of a portion of the land of a manufactory or shop† necessitates the removal of the whole to another site, or the purchase of other adjoining land, the price of which would have to be provided for under this head.

It is with regard to the third of these matters that the greatest difficulty has arisen. If the expression "market value" has given rise to the widest divergence of opinion and to not a little injustice, the expression "injuriously affecting" has opened the door to all kinds of impossible and absurd claims, while it extends an uncertain recognition to many legitimate ones. In order to arrive at any clear conclusions as to what should be considered reasonable damage under this head, and what should not, it is absolutely necessary to analyse and weigh the effect of the English cases from which, though they are not always reconcilable, certain fixed principles may nevertheless be deduced. By the light of these decisions this part of the section may be construed and applied with tolerable certainty and consistency, but taken in its naked simplicity, it cannot fail to become, to an uninstructed tribunal, a patent occasion of stumbling and offence.

One principle frequently affirmed by the cases is that no compensation can be given where no *action* could have lain; and the ground upon which the cases proceed is that the Legislature, in taking away any rights of action which the owner would have had if the land had been taken and the works constructed without any authority, intended to give him compensation co-extensive with the right of action of which the Statute deprived him, and not to improve his position

\* *Heysham vs. Bholanauth Mullick*, 11 B. L. R., 236.

† [Section 55 of the Act (X of 1870), seems to be liberal and considerate in providing that "the Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building, if the owner desire that the whole of such house, manufactory, or building shall be so acquired."—Ed.]

beyond that. A second principle follows from the first, namely, that the right of action in respect of the deprivation for which the proprietor of land is to receive compensation, is a right of action with reference to *land* and injury to *land* alone, and not to any injury of a personal nature, although it may be indirectly connected with the enjoyment of land. Both these principles have been distinguished and departed from in particular cases, though they are affirmed by numerous rulings. As regards the first, it is of course clear, that where injury is done by works on one portion of a claimant's lands to another portion of his lands, compensation may be claimed, because the injury is to the *land*, although no right of action would exist in respect of such injury. Again, compensation may be claimed if the acquisition is *negligently* carried out, because the party acquiring land cannot lawfully do anything in excess of their powers; and if there is evidence of negligence, the owner has a new right of action in respect of it. If, however, the party acquiring land takes every reasonable precaution against injury, he cannot be made liable. Thus, a railway company will not be responsible for accidental sparks of fire falling upon the premises adjoining the line and setting fire to an adjoining dwelling. The theory of this rule is,\* that the risk is one incidental to the working of a railway, and that the damage (if any) is compensated by the public benefit which follows from the same. But, on the other hand, where a cotton mill could only be insured at an increased rate in consequence of the risk from sparks falling from trains running over other land of the proprietor which had been acquired by the railway company, it was held, that the *land* having been taken by the authority of the Act of Parliament, the claimant was entitled to compensation. The second principle above mentioned here comes into operation, and it must be confessed that the distinction between injury to land taken up and injury to land not taken, but *injuriously affected*, is in some cases a narrow one. The rule in England apparently is that, though generally speaking, no compensation can be given unless lands are taken, and the injury exists in respect of these lands, yet, where a plaintiff can show direct substantial injury done to himself in respect of his property—though none of that property is actually acquired—he can claim compensation.

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\* [The principle is rather that a person or Company cannot be held liable in respect of what they are authorized to do by *Statute*. See *Vanghan vs. The Taff Railway Company*, 29. L. J., Exch. 247. The principle was applied, in Madras to tanks which a zemindar is bound by law to maintain. If the banks of such a tank are washed away and cause damage, the zemindar is not liable, if he has not been guilty of negligence. *Madras Railway Company vs. Zemindar of Carvelinagaram*. XIV B. L. R., 209.—Ed.]

Thus, where a stream or river is diverted from mill premises, or access to a wharf or dock is interrupted, so that the very purpose for which such mill, wharf, or dock is used, becomes defective, the owner may fairly say he has sustained some special damage. But where the access to a river or road which he enjoys in common with the rest of the public is stopped up, he cannot be said to have suffered a particular injury. So, in respect of the vibration of trains, or noise, or smoke, he has no claim to compensation, unless his premises subside or are otherwise permanently injured, in which case he can get damages for any loss that can be foreseen at the time of the investigation. It is somewhat difficult to distinguish the principle of the decision in *Ricket's case*, where it was held that injury caused to the good-will of a business by reason of diversion and obstruction of traffic could be no ground for compensation, because it was considered that the house itself was not injuriously affected, but only the profits of the business. As above stated, it may be doubted whether *Ricket's case* is good law.

Besides the above matters which the judge and assessors are expressly told to take into consideration, there are seven other possible heads of claim (mentioned in section 25), which they are expressly told to disregard. These are: the urgency of the acquisition; the disinclination of the owner to sell; damage which, if caused by a private person, would not be *actionable*; prospective damages; increase in the value of the land to be acquired, or increase to the value of other land which may result from the use to which the acquired land is put; and improvements, effected with the view of enhancing compensation. The third and fourth of these are co-extensive with, and cover the same ground as the question of *injurious appropriation* above discussed, and they certainly do not elucidate the meaning of that fallacious expression. In respect of section 25, it may reasonably be observed that its comparative wealth of diction and minuteness of direction are more embarrassing than the obscure wording and technical terminology of the preceding section. The position of an assessor on these sections being read over to him is not an enviable one if he honestly tries to exclude the one set of considerations from his mind, and to apply his judgment to the other. It is no matter for surprise if in the end he does the things which he ought not to have done, and omits to do to the things which he ought to have done. It is true that the judge may be able to set him right, but that does not cure the defect of the law, which should be lucid where it is unintelligible, and authoritative where its meaning is doubtful and uncertain.

It is impossible within the limits of an article like the

present to discuss the numerous cases which may arise under these sections. No doubt the conditions of life are more simple in India, and the questions to which the complexity of English tenures and the variety of conflicting interests in large and crowded towns have given birth, can hardly arise under the Indian Act. But where the most important provisions of the Act itself are obscurely worded, and cannot be reasonably construed or carried into effect without the application of a special knowledge of the English law, it may reasonably be doubted whether there is not an urgent need for amendment, so that these sections may, in reality, embody the law which is to be applied, and he that runs may read.

It has already been said that the intention of the framers of the Act was, that the principles applied, and the law in force as regards those principles in England, should be faithfully followed out under the altered conditions of this country. It can scarcely be doubted that the Act fails to embody those principles, and that, consequently, they cannot in actual practice be accurately applied.

The Act, therefore, does not carry out the spirit of the English law as regards the theory of compensation. As regards the statutory mode of awarding it, the difference, as has already been pointed out, is more than obvious. There is no such thing as the independent judgment of impartial men, because the assessors themselves, though it was doubtless intended that they should be impartial judges, have, by the force of circumstances, become the most partial of advocates. It does not appear to be understood in this country that a man who is appointed by one of several parties to act in co-operation with other men similarly appointed by other parties, all of whose interests conflict, should act, when once appointed for all the parties, without prejudice or favour. And the result of the Board's rule above alluded to undoubtedly has been to arouse the surest feelings of antagonism between the two assessors, so that neither aims at anything else than to defeat the claims of the other side, to blunt the force of whatever arguments may be used against him, or to lend the whole weight of his position to secure a high or a low valuation as the case may be. This can lead to nothing but fruitless discussions and a waste of the public time, and does not ensure a fuller or more impartial enquiry than if the judge were sitting by himself.

In the state of things which now exists, the question therefore has to be answered: Is not the judge impeded in his enquiry rather than assisted by the presence of assessors, and has not the principle of allowing the parties to select their own judges, led to something very like abuse? In the first

place, the Act provides that though these sections are to be read out to the assessors before they give their opinion, yet their opinion as to matters of law, or usage having the force of law, is not to prevail against that of the judge. Now, what do these sections (even if amended so as to express what is really the law) contain or lead up to, except questions of law of the most intricate kind? And how can the judgment of the assessors be set in motion so as to render their opinion of any worth at all, unless these sections are first properly explained to them? Assuming that the judge does so explain the sections to them, of what does the explanation avail if the assessors are prejudiced from the outset, and resolved to admit of no construction of the sections except that which favours their side? And if the judge, by reason of his superior training, is able to read into the sections all the experiences from them which may legitimately be drawn, and all the interpretations which may fairly be put upon them, surely his judgment may be trusted to draw a fair and unprejudiced conclusion from the evidence before him, and to apply to it, without fear or favour, what he believes to be the law?

As it stands, the proceeding is neither a judicial one nor an extra-judicial one: it is neither an adjudication upon the merits of the claim by a qualified and impartial judge upon hearing all the evidence, subject to an appeal, upon sufficient materials, to a higher court; nor is it an arbitration by public judges saying from their experience of the world what damages ought to be given. Public criticism is not given its full scope; nor is this a Government proceeding carefully watched and judicially supervised by the law courts. There is neither an independent verdict by the public, nor is there any direct official responsibility.

- In conclusion: legislation on this subject in India is not in any true sense based upon the principles established and acted on in England. In its working the Act has been found not to keep pace with, but rather to have diverged from, those principles. The statutory machinery for awarding compensation is proved not to work in the same way, or with the same satisfactory results, as the corresponding machinery in England. The principles to be applied are even now unsettled

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\* [We agree with the Reviewer in thinking the assessors superfluous; but it seems clear that Government is the greater sufferer. The private assessor is always a keen advocate for the person who nominates him, and is instructed by him before he goes into Court. On the other hand, the Collector often deposes a Deputy Collector without saying a word to him. Again, the rule in section 33—that if the judge awards only a few rupees more than the Collector, all costs are borne by Government—bears somewhat hardly on Government.—Ed.]

and of doubtful meaning. Amendment of the Act so as to clearly explain what the right principles are, has become imperative, and it may now be fairly asserted, after a long trial has been given to it, that the joint system of assessors and judge has not produced the results which were in contemplation when the Act was passed, and that the judge sitting by himself, and in every case controlled by, and responsible to the High Court alone, would more truly arrive at the merits of each claim after hearing such evidence as the parties were able to adduce before him. It is the business of the judge to know what the law is, and if he is to be overlooked and checked by other judges (called assessors), who are responsible to no one but those whom it is their intention to serve, this is nothing more than a slight upon his capacity or his impartiality.

ARTHUR CASPERSZ,  
*Barrister-at-Law.*

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## ART. V.—TAXATION IN INDIA.

### *Part I.—The Income-tax.*

THE Government of Lord Dufferin is generally credited with having revived the income-tax. This is a misapprehension which it is necessary, in the interests of truth, to dispel. There was in existence from 1877 an income-tax of a very partial and invidious character, an income-tax upon the agricultural and trading classes, and one from which the professional and official classes and fund-holders were exempt. The effect of Lord Dufferin's Act (Act II of 1886) was to equalise the incidence of the tax, and to make all classes of people amenable to it. So far, it was a good measure from an economic point of view; but the Act might have been framed with better care and a clearer insight into the situation.

The income-tax was introduced into India in 1860 by the Right Hon'ble James Wilson, a financier sent out from England. In the Financial Statement of 1860—the only one he made, for he did not survive to make another—he laid down this principle that “an income-tax to be just, ought to be universal and equal in its application to all alike, within a certain limit of income: we could not justify such a tax upon any other conditions.” The same principle was expressed by Disraeli in his own characteristic language:—“An income-tax, based upon the exemption of large classes therefrom, is confiscation.” This has become an axiom of English taxation from the day it was enunciated by that great statesman. The Income-tax Acts of 1860, 1869, 1870, and 1872, were all within the rule, and no improper exemptions were made.

The Income-tax Act of 1872 expired in March 1873. During the four years which followed no new taxes were imposed, but considerable loss of Customs Revenue incurred by reducing the general rate of import duties from  $7\frac{1}{2}$  to 5 per cent. There was, during this period, a famine of some magnitude and duration in the Presidency of Madras, costing the Government upwards of  $6\frac{1}{2}$  millions sterling. Consequently, it was deemed expedient in 1877 to raise  $1\frac{1}{2}$  millions sterling by fresh taxation. Then, for the first time, a wide departure was made from the principle of an impartial and equal distribution of the burden. Sir John Strachey was then Finance

Member. I shall let him speak for himself. In his Financial Statement made on the 15th March 1877, he said :

It will be understood, from what I have already said, that I have no measures to propose at present for the imposition of any general taxation. It may be a cause of special relief to some of my audience to learn that the rumours which they have heard from time to time about the re-imposition of an income-tax have no foundation. As to the income tax, I freely confess that I regretted its disappearance ; but there has been no thought of restoring it. The Government is obliged to propose some other taxation, of which I shall speak further on.

Later on he said :

Now, the Government is not so foolish as to imagine that there is any essential distinction between provincial and Imperial taxation, or between provincial and Imperial expenditure. When we talk of throwing upon the Local Governments new responsibilities for increasing the public revenues ; or for relieving our finances by making provincial certain obligations which have hitherto been Imperial, we are not so ostrich-like or so dishonest as to imagine, or to profess, that, by any juggle of names, we can alter the nature of new taxation, and make it less burdensome to the people, or that the actual expenditure of the Empire is diminished, when we say that charges for certain classes of works which have hitherto been Imperial, shall henceforth be provincial. Indeed, in the Accounts as now remodelled, no distinction whatever is made between Imperial and provincial revenue and expenditure.

It seems a general income-tax was distasteful to the men of influence and note in Calcutta—chiefly professional men, officials, and fundholders, who formed the bulk of Sir John Strachey's audience in the Council Chamber. To respect the feelings of these gentlemen in the matter of the income-tax was, no doubt, a commendable act of policy. It was not thought necessary, however, to show any large consideration for the agricultural and trading classes. Accordingly, an Act was passed through the Provincial Legislature for imposing an income-tax upon the gross rents and profits of all rural land, being ninety-nine per cent. of the land in Bengal. It was called the Public Works Cess in the Act and Public Accounts ; but it was, in reality, an income-tax at the rate of three pies in the rupee upon all classes of rural landholders, without any minimum limit whatever, and reaching the lowest incomes of ryots. Another Act was passed through the same Legislature imposing what was called a License Tax upon the trading classes, but which was, in fact, an income-tax upon a graduated scale, with a minimum limit of income of Rs. 200, afterwards raised to Rs. 500.

In these modern days, the minds of people have become so familiar and imbued with the equitable character of the income-tax, that it has become impossible for any legislature to impose

any cess or license tax, properly so called. It cannot impose a rate of so much per acre, because all acres are not equal in value, and do not yield the same profits. Nor can it impose an equal license-rate even upon traders of the same class; for among traders of the same class, the incomes made by individuals vary very greatly. Thus, if the Government imposes any new tax upon any class of persons or property, whether it is called cess or license, it necessarily takes the character and form of an income-tax. The Government may, if it thinks fit, imagine that it has imposed something materially different from the income-tax; but it cannot, "by a juggle of names, alter the nature of new taxation."

The tax upon the agricultural classes, known as the Public Works Cess, must not, however, be confounded with the Road Cess. The one is an Imperial or provincial tax, (there is no distinction between Imperial and provincial revenue, as has been shown by Sir John Strachey); while the other is a rate for local purposes, and has since been made over to the Local Boards under the Local Self-Government Act. In this respect, the Public Works Cess stands on the same footing as the License Tax. In 1880, an attempt was made to distinguish between the two taxes and get the License Tax repealed. This attempt was manfully resisted by Sir John Strachey, who happened to be again Finance Member. In his Financial Statement, February 24th, 1880, he says:

Considering that precisely the same reasons were given by the Government, and accepted by the Legislature, for imposing fresh taxation on the trading and agricultural classes, with the object of protecting the country against the financial consequences of famine, and that special stress was laid upon our desire to make the burden fall with approximate equality on each of these classes, it would be difficult for the present Government, at least, to accept any proposition for treating them differently now. In fact, it would be hardly possible to maintain the cesses on the land, if the tax on trades were abolished. It might be more possible to defend the abolition of the cesses on the land and the maintenance of the tax on trades; but it is needless to discuss such questions. Practically, so far as we are concerned, these taxes on the agricultural and trading classes stand on the same basis.

Between 1877 and the date of Lord Dufferin's Act of 1886, there was no material change in the situation. Independently of the need for an increase of revenue, the members of Lord Dufferin's Government might very well have justified their Income-tax Act upon the ground that its extension to the classes hitherto exempt therefrom was a necessary act of justice to the taxed classes. But they did not take this line; they do not seem to have had any clear knowledge of the nature of the tax called the Public Works Cess, beyond having

a dim and hazy notion that the agricultural classes should be exempted from the income-tax. The License Tax was more intelligible ; it came so very near the Income-tax in name and nature, that the Government readily incorporated it in the general Income-tax Act. The Public Works Cess was a tax standing "on the same basis," and should have been dealt with in the same manner. An alternative course was likewise open to the Government, which might retain the Public Works Cess, and justify its retention upon the ground that it was more easily collected with the local Road Cess, and that its rate should remain uniform and not be subject to fluctuations according to the exigencies of the State, like the income-tax. But then, it was necessary to exempt land subject to the payment of the Public Works Cess from the general Income tax. This course, though not so just and simple as the other, had expediency to recommend it, and might, at the least, have been adopted by the members of Lord Dufferin's Government. They did not adopt it, however ; but they adopted a course which ran close to, but was not the right course. The new Act was styled, "An Act for imposing a tax on incomes derived from sources other than agriculture," and complicated clauses were enacted for the exemption of the agricultural classes. Now, independently of the Public Works Cess Act, which has been retained, there can be no justification for this large exemption ; while, having regard to the said Act, the exemption falls somewhat short. The Public Works Cess Act is popularly known as an Act for imposing a tax upon the agricultural classes or agricultural land, but it goes a little beyond. It taxes all rural land, including non-agricultural homesteads and rural markets. The owners of such non-agricultural rural land now enjoy the privilege of being doubly taxed. They pay the Public Works Cess, while they have not been exempted from the Income-tax. On the other hand, the general exemption of all agricultural land in the Income-tax Act applies to provinces where there is no Public Works Cess or other similar tax. The exemption of agricultural land in those provinces, therefore, seems to be unjustifiable, causing as it does a serious loss of revenue without any reason whatever. Altogether, the framing of the Income-tax Act was marked by serious defects ; yet, the measure was an eminently just one, in which it was almost difficult to fail. If the framers had only studied carefully the dry annals of direct taxation in India, and had extended their research beyond 1877, they would have easily discovered how matters stood. Retaining as they did the Public Works Cess, they could not well tax again any property or income subject to the same or other similar tax. The proper exemption is thus logically made out, and is far

more simple and just than the complicated clauses in the Act, which exempt what should not be exempted, while they cover certain incomes that ought not to be taxed.

There is every likelihood of the Income-tax being made permanent. There are many reasons for this course. I have carefully gone through the Financial Statements from 1860 to the current official year, and have not come across a single year of real surplus. In each of the so-called surplus years the Government has been obliged to borrow largely for the annual public works. The finances can hardly be said to be in a prosperous condition, until the annual expenditure for the public works is met from the current revenue. It will be long before this position is attained; and until then, no tax can safely be surrendered. The Income-tax especially—the most equitable of taxes when honestly and impartially imposed—ought never to be entirely relinquished. It should be kept low in prosperous years, and raised in years of need. It cannot be justly repealed so long as the Public Works Cess is retained, which is an Income-tax upon the rents and profits of rural land. The fact that the two taxes were parallel, and should stand or fall together, should never be lost sight of. Judging by past experience, we might be tolerably certain that the repeal of the Income-tax would be soon followed by the imposition of a partial and unequal tax upon particular classes of persons or property. A general Income-tax is not acceptable to officials, who draw fixed salaries, and it is also against the interests of the Anglo-Indians as a class, for they have comparatively large incomes, and not one among them can escape the tax. With such powerful forces hostile to a general tax, it behoves all persons interested in the good government of the country to guard the Income-tax jealously, and to see that it is not lightly repealed or transformed into an odious class-tax.

I should note here that the Indian Association of Calcutta, and several other political associations of lesser note, displayed a most lamentable lack of real patriotism and breadth of view in opposing the introduction of the Income-tax. They pretend to represent the rural population—that is, the people of Bengal; but they are utterly incapable of seeing beyond the narrow horizon of their own paltry interests. That they should oppose the Income-tax is quite natural, considering that the Associations are mostly composed of men in the legal profession and men in service, with a following of men without employment and young men in and out of college. An income-tax is obviously against the interests of the leaders of such associations, which have very little of the rural in their composition, and have no touch with the rural population.

It is quite clear they do not represent the people of Bengal, or any thing beyond their own interests.

The following suggestions on the subject, of a tax on income are submitted for the consideration of the Indian Government and the Indian public :—

*First.*—The Public Works Cess and the corresponding tax in the North-Western Provinces, Central Provinces, and Punjab should be abolished, and the clauses in the Income-tax Act, exempting agricultural rents and profits, should be repealed. This is the only simple and honest course, It will consign to its proper resting-place the last remains of the unjust legislation of 1877, which threw the entire burden of fresh taxation upon only two classes of Her Majesty's subjects. The License Tax upon the trading classes has been repealed; the Public Works Cess ought to have been repealed at the same time. One most objectionable feature of this latter tax is, that it allows no minimum limit of income, and falls most hardly upon the poorer class of ryots. The profits of a ryot's holding are assumed to be the amount of his annual rent; and upon this valuation, a uniform rate is levied upon the different classes of rural landholders, without any exemption whatever.

The detailed Finance and Revenue Accounts of the Government of India for the year 1886-87 enable me to give additional facts and figures in verification of my premises and, generally, to tread firm ground. The following table, prepared from the Accounts of 1886-87, exhibits in two parallel columns the collections of Income-tax and Public Works Cess or other corresponding tax in each Province :—

Name of Province.	Collections of Income tax in 1886-87.	Collections of Public Works Cess or other tax corresponding thereto in 1886-87.	Remarks.
	Rx	Rx	Rx stands for 10 rupees. Formerly it was the exchange value of a pound sterling.
1 India, General (the Bengal Army, the Telegraph, the Survey, and other departments under the Government of India and the Districts of Coorg and Ajmere) ...	124,162	nil	
2 Central Provinces ...	40,346	13,011	
3 Burma ...	16	nil.	
4 Assam ...	20,505	nil.	
5 Bengal ...	364,457	385,937	
6 North-Western Provinces and Oudh ...	222,068	197,702	
7 Punjab ...	112,377	64,944	
8 Madras ...	154,345	nil.	
9 Bombay and Sindh ...	316,459	nil.	
Total ...	1,354,735 0	661,594 0	

The above figures are very instructive, and show that there is no Public Works Cess or other similar tax in the Provinces of Madras, Bombay-Sindh, and Assam. In Bengal the amount of the Public Works Cess is a trifle larger than that of the income-tax. But even in Bengal there is no likelihood that the revenue will suffer much by adopting the course suggested above. The Public Works Cess will have to be relinquished, but the revenue will be compensated by the agricultural rents and profits being made liable to pay the income-tax. The result may be calculated as follows:—

The Public Works Cess which is an Income tax at the rate of 3 pies per rupee or $1\frac{3}{8}$ per cent. upon the gross rents and profits of all rural landholders without any minimum limit ...	Rx	385,937
The total gross income of rural landholders is 64 times the above. ...	"	24,699,968
Deduct incomes not exceeding Rs. 500 per annum, which, following the rule in the Income-tax Act, will have to be exempted. This is not likely to exceed one-third of the whole, and may safely be estimated at $\frac{1}{3}$ of Rx 24,699,968 ...	"	8,233,322
Balance of gross taxable income ...	Rx	16,466,646

Deduct 10 per cent. for reducing the gross income to net income	...	...	...	Rx 1,646,664
Balance, being the amount of net income chargeable with the Income-tax.	...	...	...	„ 14,819,982
Upon the above amount the Income-tax calculated at the rate of 4½ pies per rupee (being the average rate under the Income-tax Act)	...	...	...	„ 347,343

Upon the above estimate, the Income-tax will be exactly ten per cent. less than the amount of the Public Works Cess. In other words, the poorer class of ryots in Bengal—numbering millions—will be exempted at a small sacrifice of Rx 38,593. But there is to set off against this loss the Income-tax upon the agricultural rents and profits of the Provinces of Madras, Bombay-Sindh, and Assam, which have been exempted without any reason whatever. I have no certain data for calculating the Income-tax upon agricultural land in the three provinces; but the aggregate amount in the three provinces will be at least equal to that of the single province of Bengal and, for a safe estimate, may be assumed to be ... .. Rx 347,346

Set off against it the falling off in the revenue likely to be caused by substituting Income-tax for Public Works Cess in respect of agricultural land, estimated at 10 per cent. of the present Cess :—

Bengal	...	...	Rx 38,593
North-Western Provinces and Oudh	...	...	„ 19,770
Punjab	...	...	„ 6,494
Central Provinces	...	...	„ 1,301

Total	...	...	• Rx 66,158
Balance, being net additional revenue which has been thrown away by the careless framing of the Income-tax Act	...	...	„ 281,165

I venture to hope that the logic of the above facts and figures will convince the Government of India that, by repealing the Public Works Cess and other similar tax, and making the Income-tax Act what an Income-tax Act should be—universal in its application to all incomes above a certain minimum limit—it will not only right old wrongs, but secure to itself a clear increase of revenue of more than two and half millions of Rupees.

*Second.*—The Income-tax Act should be modified, and the rents and profits of rural landholders, subject to the Public Works Cess in Bengal and to the Famine Assurance, Canal, and Railway Cess in the North-Western Provinces, Central Provinces, and Punjab, should be substituted for the rents and profits of agricultural land. This is suggested as an alternative course, but it is not a straight course like the other, but a tortuous

proceeding, which, without making things square, will prevent the holders of non-agricultural rural land from being doubly taxed, and secure to the Government a considerable increase of revenue from the provinces of Madras, Bombay-Sindh, and Assam. But the wrongs of the poorer class of ryots, numbering millions, will remain unredressed.

*Third.*—The assessments should be made triennial as in Act XVI of 1862, and the Income-tax payable in four quarterly instalments as in Act XXXII of 1860. Annual assessments are extremely harassing. Triennial assessments may cause some slight loss of revenue, but it will be partly compensated by a reduction of expenditure in the office establishments.

The rule for the payment of the entire tax at the beginning of each year under heavy penalties is naturally regarded as a great hardship and ought to be modified. One of the great points to be kept in view is to make the tax as little harassing as possible.

### *Part II.—The Land Revenue.*

Prior to 1860 Indian financiers considered land as the principal and the only elastic source of revenue. The improvement of land revenue by rack-renting the ryots was the sum total of their financial policy. The Right Hon'ble James Wilson says (Financial Statement, February 18th, 1860): "But, again, Sir, there is another evil of no slight kind, which has resulted from the fact that we have hitherto relied so exclusively upon the land for our revenue. As I have already shewn you, the Finances of India have been almost always in difficulty; deficits seem to have been their normal condition. But efforts have always been made to raise the income; and I fear that those efforts having been mainly directed to improving the land revenue, have resulted in something bordering upon oppression on the ryots, and not leading, in the long run, really to the improvement of the revenue. Of the evils of over-assessment we have recently had a striking proof in Madras. . . . I ask then, Sir, is it wise for a great empire to rely so exclusively upon one source of revenue as we do in India, and to press our charges upon it so much, that while we run a risk of oppressing the people, we are certain, if we do so, to impoverish the exchequer." But the system of periodical assessments and rack-renting has not yet been altogether abandoned. The Land Revenue has been continuously improved and is now the largest item of revenue in India.

The following table, compiled from the Finance and Revenue Accounts of the Government of India for the year 1886-87,

shows the gross receipts and net proceeds under the principal heads of Revenue :—

Principal heads of Revenue.	Gross receipts.	DEDUCT.				Net proceeds.
		Collection charges	Refunds and Draw-backs	Assignments and Compensations.	Total.	
	Rx (in Rupees.)	Rx	Rx	Rx	Rx	Rx
Land Revenue ...	23,055,724	3,462,747	35,026	952,275	4,450,048	18,605,676
Opium ...	8,942,976	2,726,512 (including cost of production.)	68	....	2,726,580	6,216,396
Salt ...	6,657,644	485,162 (including cost of production)	30,361	400,000	915,523	5,742,121
Stamps ...	3,751,281	85,620	45,494	....	131,114	3,620,166
Excise ...	4,375,174	116,508	38,744	....	155,252	4,219,922
Provincial rates ...	2,999,861	51,105	6,850	....	57,955	2,941,906
Customs ...	1,246,293	135,818	28,118	....	163,936	1,082,357
Assessed taxes (Income-tax) ...	1,354,735	50,158	27,067	....	77,225	1,277,510
Forest ...	1,103,970	716,413	1,499	....	717,912	386,058
Registration ...	299,059	18,845	1,122	....	19,967	113,092
Tributes from Native States ...	695,415	....	123	94,662	94,845	600,570
Total.	54,482,131	8,015,888	214,532	1,446,937	9,677,357	44,804,774

Besides the principal heads of revenue mentioned in the table, there are the receipts from the Post Office, Railways, Irrigation, and Civil and Military Departments; but the expenditure exceeds the receipts under each head. As yet none of them can be said to have become a source of revenue. The Railways promise to yield a surplus at no distant date, and may hereafter become an important revenue affluent. Irrigation will never pay its way, but remain for ever an incubus on the Finances of India.

The entry of the Provincial Rates among the principal heads of Revenue in the Accounts since the year 1878, is somewhat delusive. It consists of the following items :—

1. District Local Funds (Road Cess) ... Rx 1,885,339.
2. Public Works Cess in Bengal and Famine Assurance Canals and Railways Cess in the North-Western Provinces, Punjab, and Central Provinces ... " 628,174.
3. Village Service and Patwari Cess ... " 359,280.
4. Cess for District Post ... " 41,297.

The first item, District Local Funds, Rx 1,885,339, is not Revenue either Imperial or provincial. It is similar to Municipal Funds, and clearly out of place in the Revenue Accounts of the Government of India. The other items, amounting to Rx 1,028,751, are revenue and, being derived from land, may very well have been placed under the head of Land Revenue. The following duties levied in stamps, and forming a considerable portion of the Stamp Revenue, ought, likewise, to come under the same head :—

*First.*—Duty on the transfer of land, whether by sale, gift, mortgage, or lease at the rate of one per cent. upon the capital value, or 15 to 20 per cent. of the annual income. All deeds relating to transfers of land are registered in Book I (Registration Department) and the total amount of stamp-duty paid on such transfers may be accurately ascertained from the Registry Offices. In the absence of accurate data, I may roughly estimate it at Rx 500,000, being nearly one-half of the total value of ordinary stamps sold. As most of the large stamps are used for this purpose, the estimate may be accepted as a pretty safe one.

*Second.*—The Succession Duty on land. This is paid in Court-fee stamps on the grant of Probate, Letters of Administration, or Certificates. The duty is at the rate of 2 per cent. on the capital value, or about 30 per cent. of the annual income. In 1868 the Bengal Chamber of Commerce proposed a Succession Tax as a substitute for an Income-tax. It was, no doubt, very disinterested and good of the mercantile body to offer this suggestion, seeing that there is very little death or succession among mercantile firms, though the members are constantly changing; but it did not find much favour with the Right Hon'ble W. N. Massey, who was then Finance Member. In his Financial Statement (March 14th, 1868), he said : "The advantage which has been claimed for a Succession Tax over an Income-tax, that it is paid once for all, and at the time most convenient to the payer, points in reality to one of its most serious objections. It signifies, in other words, that the tax falls upon Capital, and not upon Income." Only two years after this declaration, a heavy Succession Tax, equal to 30 per cent. of income or 12 years' income-tax, was quietly and adroitly introduced in the Court Fees Act, 1870. There was no mention of it in the Financial Statement of 1870. It was treated as a mere matter of Stamp Duty as in suits and proceedings. It attracted little notice, and has not been the subject of any loud complaint. It has one redeeming feature, that the payment of the duty is not compulsory in all cases of succession. The duty has to be paid on the grant of Probate, Letters of Administration, or Certificate under

Act XL of 1858, and falls chiefly upon large landed estates. Small estates seldom come into the Probate Court ; but large estates are rarely free from litigation, and very few can escape the Succession Duty. There can be no doubt that the Succession Duty on land amounts to a large sum. There are no data for making any accurate calculation ; but it may be safely assumed to be equal to the Transfer Duty on land or to Rx 500,000.

It appears, therefore, that full justice has not been done to the Land Revenue in the Government Accounts, and, that, if properly classified, the proportion of the net land revenue to the total net revenue will be very nearly one-half as shown below :—

Net Land Revenue according to the Government Accounts	...	...	Rx 18,605,676
Add Public Works Cess, Patwari Cess, and District Post Cess	...	...	„ 1,028,751
Add Transfer and Succession Duty on Land, levied in stamps	...	...	„ 1,000,000
Total net Land Revenue	...	...	<u>Rx 20,634,427</u>
Total net revenue according to the Government Accounts	...	...	Rx 44,804,774
Deduct District Local Funds which is not revenue	...	...	„ 1,885,339
Balance, being total net revenue	...	...	<u>Rx 42,919,435</u>

The settlement of Land Revenue is not uniform throughout India. It varies in the different provinces and in different parts of the same province. It may be classified under two principal heads :—

1. Permanent Settlement, under which the revenue is fixed in perpetuity.
2. Temporary Settlement, under which the revenue is subject to periodical assessments.

Temporary Settlement is, again, either zemindary or ryotwary. It is temporary zemindary settlement when the land is settled in large lots with zemindars or landlords ; it is ryotwary when the land is settled in small lots with ryots or cultivators. In either case, the Government every 20 or 30 years assesses the rents payable by the ryots. In case of zemindary settlement, a percentage is allowed to the zemindar for his profits and charges and risks of collection ; in the other case, the assessed rents are collected directly from the ryots. It must not be supposed, however, that it is optional with the Government to make the settlement zemindary or ryotwary as it pleases. It is bound, according to its rules, to respect existing proprietary rights, and to settle with the old proprietors, whether they belong to the class of zemindars or ryots. The Government cannot expropriate a landlord without his consent. But in temporary zemindary settlements, the actual profits of zemindars

are generally very far short of the paper-profits reserved to them ; and they would be too glad, if allowed the option, to barter away their proprietary rights for an annuity. This sort of expropriation appears to have been largely resorted to in the province of Bombay, where upwards of 8 millions of rupees are annually paid to the ex-proprietors. It is entered in the Government Accounts under the head of Assignments and Compensations, and is above 30 per cent. of the total net Land revenue of the province.

The province of Bengal (with the exception of the territory of Orissa and the Hill Tracts of Chittagong) and about one-third of the province of Madras are permanently settled. In the North-Western Provinces and Oudh and in the territory of Orissa and the Hill Tracts of Chittagong in Bengal, the system of temporary zemindary settlement is in force. In the province of Bombay and Sindh, in the Punjab, and in about two-thirds of Madras, the settlements are temporary ryotwary. The following table, compiled from the Finance and Revenue Accounts of 1886-87, shows the gross Land Revenue, collection charges, and net Land Revenue of each province :—

Name of Province.	Gross Land-Revenue.	DEDUCT.				Net Land-Revenue.
		Collection Charges.	Refunds and Drawbacks.	Assignments and Compensations.	Total.	
	Rx	Rx	Rx	Rx	Rx	Rx
1. India General ..	112,381	56,827	571	....	57,388	54,993
2. Central Provinces ..	625,674	137,064	246	369	137,679	487,995
3. Burma ..	1,481,163	244,140	1,200	....	245,340	1,235,823
4. Assam ..	430,642	95,369	432	...	95,801	334,841
5. Bengal ..	3,877,485	352,142	3,626	14,463	370,231	3,507,253
6. North-Western Provinces and Oudh ..	5,762,997	795,068	1,973	17,350	814,391	4,948,606
7. Punjab ..	2,104,220	332,456	6,220	14,553	353,229	1,750,991
8. Madras ..	4,458,902	776,316	8,052	70,196	854,564	3,604,338
9. Bombay & Sindh ..	4,202,269	673,375	12,706	835,344	1,521,425	2,680,844
Total ..	23,055,724	3,462,747	35,026	932,275	4,490,048	18,565,676

From the above figures it is easy to calculate the proportion of collection-charges to the gross land revenue in each province. It is 9.08 per cent. in Bengal, 13.62 per cent. in the North-Western Provinces and Oudh, 15.77 per cent. in the Punjab, 17.18 per cent. in Madras, and 16.01 per cent. in Bombay and Sindh.

In the Temporary Settlement Provinces, the Government is practically the landlord, and has to maintain a large establishment of officials to periodically assess the rents. If the Temporary Settlements in the North-Western Provinces, Punjab, Bombay, and Madras be made permanent, the collection-charges will be at once reduced to about 9 per cent. as in Bengal. In other words, there will be a clear and immediate saving of Rs 1,050,000 or ten and a half millions of rupees in the collection charges. This is an important fact to which I shall have to refer later on.

The Right Hon'ble James Wilson observed (Financial Statement, February 18th, 1860 : "In selecting new sources of revenue, the Government is very much impressed with the fact that hitherto a large share of the revenue has been derived from land, and that the practice of revising the assessment periodically has at least had the effect of keeping the actual cultivator at a rack-rent." This, unhappily, is too true of the Temporary Settlement Provinces. We have often heard of fifty millions of people half-starving upon one meal a day. It is a picture, somewhat high-coloured perhaps, of the impoverished condition of the tenantry in the North-Western Provinces and the Deccan. In Madras also, the frequent necessity of granting remissions to the ryots, and the official scandals to which it occasionally gives rise, have become matters of wide notoriety, and show that the condition of the Madras ryots is scarcely any better. To call them peasant-proprietors, as they are called, is a clear irony. The system of periodically revised assessment keeps them at a rack-rent quite as much as it does the tenantry in the other Temporary Settlement Provinces. At this moment, the people of the Central Provinces are giving free expression to the intense feeling of dread and dislike with which they regard the so-called peasant-proprietary settlements in the province of Bombay. They seem to evince no feeling of gratitude to the paternal Government for its gracious offer to unite the two provinces ; but they resent the idea of such an union. They will not have land settlements upon the Bombay model nor will they have their province over-run with Settlement Officers trained in the Bombay school. The temporarily settled zemindaries do not seem to be much better off, and are not much in request among capitalists for purposes of investment. The late Sir Ashley Eden, while Lieutenant-Governor of Bengal, went to see the famous temples of Brindabun, and was the guest of the Setts of Muttra, the great bankers and Rothschilds of India. In the course of conversation it came out that the Setts had no zemindaries to speak of. They told Sir Ashley that the temporarily-settled zemindaries were not good property to invest in.

From the Temporary Settlement Provinces, it is a relief to turn to the Permanent Settlement Province of Bengal. In Bengal the zemindars are prosperous, the ryots are prosperous; there is prosperity everywhere. That the zemindars should prosper under a Permanent Settlement, is obvious enough; but how is the prosperity of the ryots to be accounted for? The reason is simple. In the Temporary Settlement Provinces it is the interest of the Government that the ryots should be kept at a rack-rent. In the Permanent Settlement Province of Bengal the interests of the Government are not in conflict with those of the ryots. In Bengal the Government can be generous to the ryots without any cost to itself. It has, accordingly, framed laws which not only secure to the ryots a perpetual right of occupancy at an easy rent, but which render revision of rent extremely difficult, even when the old rent is absurdly low. The laws favour the growth of rights to hold at fixed rents from uniform payments for 20 years. There are numerous tenures of this class. Then there are putnees, durputnees, mourasees, and other permanent tenures at fixed rents which the laws have enabled the zemindars to create. All these tenures—whose number is increasing every year—cover more than one half of the permanently settled area of Bengal.\* Fixity of rent is incompatible with temporary settlements; and permanent tenures are wholly unknown in the Temporary Settlement Provinces. It must also be borne in mind that Bengal possesses a property of immense value, which no other province has, or has to the same extent, viz., property in land created by the Permanent Settlement. This fact alone is sufficient to account for the greater prosperity of Bengal and its people. This immense wealth of landed property is not hoarded in the hands of a few as in England; it is liberally distributed among the people, and is being distributed every year with a free hand. There is the utmost free trade in land. Estates and tenures are constantly changing hands, large estates are being constantly split and multiplied into small estates, and new permanent tenures are being constantly created. There are now upwards of a hundred thousand estates, and upwards of a million of permanent tenures.† It can be truly said of the Permanent Settlement that its benefits are wide-spread and far-reaching.

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\* Note.—Most of the large estates are wholly let out in putnee. In every estate, whether let out in putnee or not, there are numerous permanent tenures created by grant or by operation of law, or existing from before the Permanent Settlement. That they cover more than one-half of the permanently settled area is not an over-estimate.

† In connection with the Bill for the Registration of Tenures before the Bengal Legislative Council, the number of tenures was estimated at nearly a million three years ago. It must be now upwards of a million.

It is high time that the benefits of the Permanent Settlement were extended to the North-Western Provinces, the Punjab, Madras, and Bombay. In those provinces, the Government has heaped enough on the back of the ryot, and ought to beware how it adds another straw to the load. For any straw may prove to be the last straw, and produce the proverbial catastrophe. On the side of the Government, it may be urged that 'there can be no question that a permanent settlement will be better for the people. But by the system of temporary settlements, we get an increase of revenue at each settlement. Can we prudently sacrifice that?' I have bestowed some care and attention upon this subject, and am in a position to say that a permanent settlement of the four provinces will not only not involve any sacrifice of future revenue, but may be made the means of bringing to the Treasury a good round sum,—something like Rx 7,500,000. I have to make both these matters clear to the reader. I may say at once with regard to the first, that the saving in the collection-charges will fully cover the loss of increased revenue from periodical revisions of rent-rates. I now proceed to establish this proposition by facts and figures, and invite a searching examination of the same.

The Financial Statement of the Hon'ble J. Westland (March 26th, 1888), contains much valuable and interesting information regarding the growth of Land Revenue since the year of the Mutiny, 1856-57. Speaking of Madras, he says, what is true of all the Temporary Settlement Provinces, that the growth of Land Revenue "takes place in two directions. There is the periodical growth due to the increase of rent-rates at the end of every 30 years' period, and the annual growth due to the gradual increase of the area brought under cultivation." A permanent settlement will affect only "the periodical growth due to the increase of rent-rates," and not "the annual growth due to the gradual" extension of cultivation. It is important, therefore, to separate the two kinds of increment, and to eliminate altogether the increment due to increased cultivation. The Financial Statement says that in the province of Madras this increment is estimated at Rx 10,000 per annum or 40 per cent. of the total average annual growth estimated at Rx 25,000. It does not give any similar estimate of the annual increment due to increased cultivation in the North-Western Provinces, Punjab, and Bombay. But the condition of those three provinces, taken as a whole, is not materially different from that of the province of Madras, in so far as extension of cultivation is concerned. For the purposes of an estimate, therefore, I may safely adopt the rule of proportion, and assume that 40 per cent. of the total average annual growth ought

to be set apart as on account of waste lands being brought under cultivation.

The following Table, compiled from the Financial Statement of 1888, shows the average annual growth of Land Revenue since the Mutiny in the four provinces under consideration during two periods of 14 years and 20 years respectively :—

Name of Province.	Average annual growth from 1856-57 to 1870-71 (14 years).	Average annual growth since 1870-71 (20 years).
	Rx	Rx
North-Western Provinces and Oudh	40,000	28,000
Punjab ...	10,000	12,000
Madras ...	43,000	25,000
Bombay and Sindh ...	57,000	25,000
	150,000	90,000
<i>Deduct 40 per cent., being the percentage of increment due to increased cultivation</i> ...	60,000	36,000
	90,000	54,000

It appears from the above figures that the annual growth during the second period is smaller, being three-fifths of the growth during the first period; in other words, the increase is in a decreasing ratio. This must be so in the nature of things. The difficulty of increasing the rent-rates will increase at each successive settlement, and the Government will soon find—much sooner than it reckons—that the limit has been reached and the rates will not rise any higher. For the purpose of framing a safe estimate, however, I must take a more hopeful view, and assume that the rent-rates will remain capable of expansion for a long time to come. Regarding the extent of such expansion, it may be fairly assumed that future expansion will be in the same ratio as found above, or, in other words, the average annual expansion during each period of 20 years will be three-fifths of the average annual growth during the preceding period. It is, of course, impossible to say.

whether the future expansion of rent-rates will be exactly in this ratio ; but the Government ought to be content if the expansion goes on at that rate for a century or so.

The annual growth of rent-rates during the 20 years from 1891 to 1910, would be three-fifths of the growth during the preceding period, or three-fifths of Rx 54,000 = Rx 32,000 (omitting fractions of thousands). The increase over and above the Revenue of 1890 would be Rx 32,000 in 1891, Rx 64,000 in 1892, Rx 96,000 in 1893, &c., and Rx 640,000 in 1910. The gain to the Government during the period of 20 years, from 1891 to 1910, would be the aggregate of these sums, or Rx 6,720,000. Its value in 1891, or the sum which lent out in 1891 at 4 per cent. compound interest would produce all those sums in the several years from 1891 to 1910, would be Rx 4,001,000. I have fully worked out the details of the calculation ; but they are too lengthy to be inserted in this article.

During the next period of 20 years, from 1911 to 1930, the annual growth of rent-rates would be three-fifths of Rx 32,000 = Rx 19,000. The increase over and above the Revenue of 1890 would be Rx 640,000 + Rx 19,000 in 1911, Rx 640,000 + Rx 38,000 in 1912, Rx 640,000 + Rx 57,000 in 1913, &c., and Rx 640,000 + Rx 380,000 = Rx 1,020,000 in 1930 ; total = Rx 16,790,000. Its value in 1891, would be Rx 4,856,000.

During the third period of 20 years, from 1931 to 1950, the annual growth of rent-rates would be three-fifths of Rx 19,000 = Rx 11,000. The increase over and above the Revenue of 1890, would be Rx 1,020,000 + Rx 11,000 in 1931, Rx 1,020,000 + Rx 22,000 in 1932, Rx 1,020,000 + Rx 33,000 in 1933, &c., ; and Rx 1,020,000 + Rx 220,000 = Rx 1,240,000 in 1950 ; total = Rx 22,710,000. Its value in 1891 would be Rx 3,173,000. The sum total of increase over and above the Revenue of 1890 and its value in 1891, during the fourth, fifth, sixth, seventh, and eighth period of 20 years from 1951 to 2050, have been similarly worked out. It is unnecessary to carry the calculation beyond the year 2050, or farther than the eighth generation. The ninth and subsequent generations may, I suppose, be safely let alone. It is doubtful whether they will consider our policy of rack-renting and State-landlordism a "blessed inheritance," if we persist in transmitting the same to posterity. It is, however, needless to enter into these speculative considerations. The present worth of the estimated increase after 2050 is so very, small, that it may be safely left out.

The following table shows the aggregate additional income or increase of Revenue which the Government would gain by continuing the system of periodical revision of rent-rates and loss by a Permanent Settlement, divided into eight periods of

20 years each, from 1891 to 2050, and the present worth or value in 1891 of the same for each period :—

Period of time.	Additional income or increase of revenue from periodical revision of rent-rates.	Present worth or the value in 1891 of the same.
	Rx	Rx
The first period of 20 years, from 1891 to 1910 ... ..	6,720,000	4,001,000
The second period of 20 years, from 1911 to 1930 ... ..	16,790,000	4,856,000
The third period of 20 years, from 1931 to 1950 ... ..	22,710,000	3,173,000
The fourth period of 20 years, from 1951 to 1970 ... ..	26,060,000	1,674,000
The fifth period of 20 years, from 1971 to 1990 ... ..	28,040,000	823,000
The sixth period of 20 years, from 1991 to 2010 ... ..	29,220,000	392,000
The seventh period of 20 years, from 2010 to 2030 ... ..	29,810,000	182,000
The eighth period of 20 years, from 2031 to 2050 ... ..	30,000,000	84,000
	199,350,000	15,185,000

Now, suppose the Government approved of a Permanent Settlement, and completed it in 1890 in the four Provinces under consideration, it would save Rx 1,050,000 in the collection-charges from 1891. This would be a perpetual annual gain of which the capitalized value in 1891 at 4 per cent. interest =  $\text{Rx } 1,050,000 \times 25 = \text{Rx } 26,250,000$ . If you set off against this the loss which would be caused by a Permanent Settlement of additional revenue from the increase of rent-rates, the value whereof in 1891 is Rx 15,185,000, you will find a large balance on the credit side of the Permanent Settlement. In fact, three-fifths of the saving which it will enable the Government to effect will be sufficient to cover the loss which it will cause of increased revenue in future. To those to whom this demonstration by the calculation of present value is not intelligible, I can suggest another process which is more easy but less precise. It is seen that by a Permanent Settlement the Government gains at once an annuity of Rx 1,050,000 in the saving of the collection-charges, while the increase of revenue which

it loses, is of slow growth, and will take 42 years to be on a par with the annuity. In the meantime, you can pay the increase out of the annuity, and invest the surplus and the aggregate interest of each year in the 4 per cent. Paper. It will be found by those who have the patience to go through this long calculation that in 41 years, the accumulated surplus and interest will produce a second annuity capable of meeting the increase of revenue for all time to come, and yielding a large surplus besides.

I am bound to add that in making an estimate of the increment of revenue due to the increase of rent-rates, I have been obliged to proceed partly on data which might be more satisfactory. In the Financial Statement of 1888, the average annual growth of each province, and the growth due to the extension of cultivation in the province of Madras, are given. In order to eliminate this latter growth from calculation, I have been obliged to adopt the rule of proportion for the other three provinces. Now, the proportional growth which I have assumed may not be the exact growth. But in the profit and loss account of the Permanent Settlement, there is such a large balance on the credit side, that liberal concessions may safely be made if necessary. I hope the Government will order the prepararion of a Profit and Loss Account, on the lines of this article, and the compilation of exact data for this purpose.

I have to show, next, how the Goventment may, by means of a Permanent Settlement, honestly earn seven and a half-millions of Rx. Ought not this to be received as "glad tidings of great joy" at a time when the Government is in sore need of money for the pacification of Burma and the frontier defences? The scheme is simple enough, and told in a few words. The Government need not concede a Permanent Settlement as a free gift. It has now a right to periodically revise the rent-rates, and may justly claim a moderate bonus for the surrender of this right. If the revenue-paying gentry, whether peasant-proprietors or zemindars, in the four provinces under consideration, had to pay full value for the redemption of this right, they would have to pay the aggregate present worth, amounting to Rx. 15,185,000 as shown in the Table above. The total Land Revenue of the four provinces, excluding one-third of Madras permanently settled, comes very nearly to this sum, being Rx. 15,040,000 as follows :—

The North-Western Provinces and Oudh	...	Rx	5,762,000.
Punjab	...	"	2,104,000.
Madras (two-thirds)	...	"	2,972,000.
Bombay and Sindh	...	"	4,202,000.

The full price of redemption would, therefore, be one year's

Revenue. But having regard to the fact that the Government is fully recouped for the sacrifice of its right from another source, it ought not to insist upon a full price, which would, probably, be much beyond the means of the impoverished proprietors holding under temporary settlements. The Government ought, under the circumstances, to be satisfied with a half price, or half of a year's revenue, which, again, ought to be allowed to be paid in instalments running over two or three years. This will bring in easily and honestly Rx. 7,500,000 as shown above.

If the Permanent Settlement is so good a thing,—so good for the Government and so good for the people,—then why has it not been thought of before, and why should not the Government introduce it at once? I doubt whether anybody has ever taken the trouble of making up a Profit and Loss Account of the Permanent Settlement or calculated its financial consequences. It was generally taken for granted that it would cause a great loss of future revenue. But if the eyes of the Government be opened to the true state of things, there is no reason why it should not approve of the scheme of Permanent Settlement. It will not be carried, however, without opposition. The saving in the collection-charges means the disbanding of an army of Revenue officials, including Members of Revenue Board and Commissioners and reduction of the revenue establishments to the Bengal scale. Some Indian officials may oppose this measure which would deprive them of the patronage of  $10\frac{1}{2}$  millions of rupees a year; but I do not expect opposition from any other quarter.

The Government may be asked to consider, also, whether it does not owe a plain duty to the people of India to leave them a valuable property in their own lands? It has recognized the proprietary rights of certain people, whether peasants or zemindars in the North-Western Provinces, Punjab, Bombay, and Madras. But how has it treated them? Has it not, under the name and pretext of Land-tax, taken the substance, and left them the mere shadow of proprietary rights? For proprietary rights are of little value, if the profits are kept low by successive assessments from time to time. In no civilised country is such a large proportion of the income of land taken as land-tax? There are peasant-proprietors in France and gentlemen-proprietors in the rest of Europe and in America. But everywhere, proprietary rights carry substantial profits and command a high price in the market. There are peasant-proprietors in Madras, Bombay, and the Punjab which present a proper field for a beneficent political experiment on a large scale. The Government can make the so-called peasant-proprietors in the three provinces real

peasant-proprietors by fixing their revenue in perpetuity. This is clearly the dictate of a sound policy. The Government ought always to bear in mind that it is a foreign Government, and cannot expect much sentimental loyalty from the people of India. It ought to bind them by the ties of interest—the strongest of all ties—to remain for ever loyal to its rule. There was a time, not many years ago, when a feeling of gratitude to the British Government for the blessings of peace and protection from wrong which it has bestowed upon this unhappy land, pervaded the minds of the people. But that feeling is fast fading away. One wave after another of rabid radicalism from England and overt sedition from Ireland has, in recent years been rolling over India and spreading disloyalty far and wide. Our journalists and political agitators are simply swimming with the tide and echoing sentiments not their own. They may often be convicted of “bettering the instruction”; but one will try in vain to bring home to any of them a single original idea. The disease seems to have its seat nearer home. If it be not cured there, the Government cannot look for any great improvement in the tone of our journalistic writings and political utterances. In the province of Bengal, however, there is little apprehension that such writings and utterances will produce any evil consequences. The landed gentry—participants in the benefits of the Permanent Settlement—may be reckoned upon being true to their interests; and, being true to their interests, they will stand firm by the Government and defeat all revolutionary movements by which those interests will be necessarily jeopardised. Ought not the Government to make its footing equally secure in the other provinces by granting a Permanent Settlement to the people?

I shall conclude this article with a few remarks upon the Central Provinces. The Financial Statement of 1888 says: “The revision of Settlement takes place during the current decade, commencing with the first year of the present Provincial Contract, 1887-88, and it is estimated, after nine years, to yield an increase of Rs. 1,80,000. Owing to the backward state of the Province, the low rates now paid to Government, and the new development of the railway system which is taking place, it has been determined to make the new Settlement for terms varying between 12 and 20 years, so that the re-assessment of the Province will commence shortly after the termination of the existing revision.” The collection-charges in the Central Provinces are Rx 137,064, being 22 per cent \* of the gross revenue (Rx 625,674).\* A permanent

\* *Note.*—See table given above (page 67), shewing the gross Land Revenue, Collection-charges, and net Land Revenue of each Province.

settlement will at once enable the Government to reduce the revenue establishment to the Bengal scale, and effect a saving of Rx 81,337=Rs. 813,370 in the collection-charges. Is not this much better than grinding the ryots by an endless circle of settlement operations; re-assessment following close upon revision, and revision upon re-assessment. The Government is now in the midst of a revision. Let it be completed; but there should be no re-assessment after this. The Government should make the revised settlements permanent, and bring peace to the people, and prosperity to the Province.

MOHINY MOHUN ROY,  
*A retired Pleader of the Calcutta High Court,  
and Ex-member of the Bengal Legislative Council.*

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## ART. VI.—MORAL EDUCATION FOR YOUNG INDIA.

**A**N epoch in the life of India has been reached. Life, as here intended, has two prominent sides, the intellectual and the moral. We write of the latter. The moral life of a people cannot be neglected without the gravest consequences. Intellectuality without morality produces monstrosity in the life. When Greece reached her intellectual acme, the ancient religious life of the people had declined without a substitute, and Greece became a moral wreck. The same was true of Rome, with the addition that Rome touched a depth of moral depravity unknown to the world before. In the days of the French Revolution, France sought to slay religion and ignore the moral life. Reason was enthroned, the sabbath was abolished, death was pronounced an eternal sleep, and the Reign of Terror filled the world with horror. India is rapidly leaving her ancient faiths, and moral anarchy is imminent. In a short discussion of this subject, it may be assumed that it is the right and duty of Government to have some care for the moral education of its subjects. If it be the duty of the State to care for the intellectual education of its subjects, it certainly must be its duty to have some thought for moral education also. The Duke of Wellington said: "Educate men without religion, and you make them but clever devils." Webster, the American statesman, said: "If we rear temples, they will crumble to the dust; but if we work on men's immortal minds—if we endue them with high principles, with the just fear of God and of their fellowmen—we engrave on those tablets something which no time can efface." A few years ago, the late German Emperor, William I, said: "Our religious education must become much deeper and more and more decided; that is of greater importance in the education of the young than the quantity of knowledge. The scientific training of the intellect will not produce moral elevation of character." An able journal recently puts the case thus:—"A godless education merely adds formidable weapons to unlettered brute force."

If it be the duty of the State to educate at all, by no just line of reasoning can it be established that while caring for the mental and physical training of the subject it may neglect the moral. Moral education, strictly so called, is had in view in this paper. Where diverse sects, religions, and denominations are concerned, the State cannot well undertake religious

education, and for manifest reasons. These reasons do not apply to the question of moral education, inasmuch as in the sphere of morals, enough that is common to all can be introduced for a broad and effective foundation.

The importance of this subject arrested the attention of the Education Commission five years ago. They reported "a widespread feeling, especially in the Punjab, that something should be done to promote the development of the science of right and wrong in the minds of scholars of all grades." Their inquiries elicited the fact that "some have advocated the preparation of a moral text-book, others of a manual for the guidance of masters, while others again think that the object will be more surely gained by introducing lessons having a moral bearing into the ordinary reading books." In summing up this point they said: "We, therefore, recommend that all inspecting officers and teachers be directed to see that the teaching and discipline of every school are such as to exert a right influence on the manners, the conduct, and the character of the children, and that for the guidance of the masters, a special manual be prepared." One of their recommendations was "that an attempt be made to prepare a moral text-book based on the fundamental principles of natural religion."

The Government of India while heeding much that the Commission recommended, interpreted its own neutrality-principle so rigidly, that these recommendations have not been acted on for five years. Then came the letter, dated Calcutta, 31st December 1887, indicating a desire to "deal with the subject of discipline and moral training in schools and colleges." A conviction of the importance of the subject has been awakened, and the letter states that "no subjects connected with education are more important in the general interests of India, or in the interests of the students themselves." The time has come for "a judicious system of scholastic discipline, and of such moral training, as our policy of strict neutrality on religious matters enables us to apply." It commends, "the whole subject to early and careful attention, for the importance of the considerations thus brought to notice cannot be exaggerated." As to its educational work in India, the letter states that "the intellectual part of the process has made good progress; it remains to introduce the moral element which forms the most prominent factor in the European theory of education." The recommendations of this letter "seek to fill the vacuum which a purely intellectual training has created, and to mitigate the evils of a one-sided training." This letter was followed after six months by a Minute on a Review of the State and Progress of Education in British

India, in which it is stated that, "the subject of discipline and moral training in schools and colleges is regarded by the Governor-General in Council, as one of the most important questions connected with education in India at the present day." Again, "though there is greater difficulty in introducing moral teaching of a non-sectarian character into State than into aided colleges, that difficulty does not seem to have been hitherto seriously faced by Education Departments generally; and until failure follows an earnest effort at imparting moral instruction in colleges, the Government of India is unwilling to admit that success may not be secured." The Supreme Government seems awake to the importance of this subject.

It is a remarkable fact, and one, the true explanation of which may not be very creditable to them, that a number of Anglo-Indian journals have not been friendly to the attempt of moral instruction in State education. Native papers, in the main, as will be shown, have been friendly to it. It is difficult to account for this opposition to the introduction of moral instruction, unless its *animus* is found in an ill-disguised opposition to the Bible and Christianity—designed or inadvertent. Statements aimed at both unmistakably indicate this *animus*. Minds which have condemned them, and relegated them to the mythologies and superstitions of the past, perhaps because condemned by them, would naturally rally in opposition to any seeming perpetuation of their teaching. Any observer of the moral atmosphere of a section of Anglo-Indian educationists and journalists is familiar with this opposition. It breathes out sneers and invectives. It teaches and lectures scepticism, agnosticism, and atheism. It seizes the opportunity of the class-room and lecture-hall to propagate beliefs that have ever been fatal to morality. Better-thinking Natives have observed and deplored this fact. The *Bombay Guardian* (July 1882) reports Babu P. C. Mozumdar as saying in a speech at Bombay: "Men representing Western materialism had taken into their hands the task of educating the people, and though the Government interdicted the teaching of religion, it did not interdict the teaching of modern materialism, and scepticism, and Bradlaughism, which was spreading and doing havoc among the tens of thousands of the rising youth of Bengal and other Indian Provinces. He (Babu Pratab Chandra Mozumdar) believed the Government was pledged to observe that no arrant infidelity was taught in the name of that neutrality, which was intended only as a pledge of safety to the national religions of India, and he trusted the mischief would be removed before long." The *Liberal and New Dispensation* of January 22nd, 1888, on this subject has the statement that,

"Every care has been taken to import as many godless professors from England as circumstances permit, who boldly declare in class-rooms and lecture-halls that there is no God. They pride themselves in proclaiming from house-tops that they have no faith in any religions of the world, and that those who have, can lay no claim to intellectual attainments." The *Arya Patrika* of March 27th, 1888, the best organ of the Arya Samaj, makes the statement that, "the European professor has, unless we are sadly mistaken, a good deal to answer for the absence of good morals in our students." These references, which might be multiplied, are given in proof of the statement that an ill-disguised hostility to Christianity and the Bible, inspires the opposition to any attempt at moral training in Government schools and colleges.

In remarkable contrast with this supercilious and sneering attitude of certain Anglo-Indians, we note the prevailing tone of the Native Press on the great importance of this subject of moral education. Only a few illustrations out of much that has been written need be here introduced. The Brahmo organ, the *Liberal*, (January 15th, 1888), has an editorial on the Government letter in which it states that "we cannot be sufficiently thankful to the Government of Lord Dufferin for taking up this all-important question. We have all along advocated the introduction of moral training into our schools and colleges, without which mere intellectual attainments cannot be expected to bring about, what we might call, true national advancement. . . . It is a matter of deep regret that with a few honourable exceptions, our countrymen are yet unable to realize the magnitude of the harm which the present system of education is doing among us." A week later, in a long leader on the same subject, we read: "We are, therefore, inexpressibly gratified at the noble attitude which our rulers have assumed towards the introduction of discipline and moral training into the schools and colleges of India. The character and morality of a nation have everywhere been the one thing needful in bringing about its prosperity and greatness, and there is no reason why India should be an exception to the rule." The *Indian Union*, too, welcomed the Government letter with hearty approval. The *Arya Patrika* turns to the subject frequently in terms of commendation of the Government Resolution.

It is an unmistakable fact that the leading and best Natives in India saw at once, as indeed they had seen before, the importance of this subject, and eagerly responded to the interest evinced by the Government of India. If we turn to the current Native literature, we can at once see their reason for anxiety in the matter. The conviction of Government is thus expressed: "It cannot be denied that the general

extension in India of education on these principles has, in some measure, resulted in the growth of tendencies unfavourable to discipline and favourable to irreverence in the rising generation." All this is fully borne out by the Native Press. Only a few specimens need be given. Eight years ago, and before the Education Commission had called attention to the subject of moral training, we read in the *East*: "It is a very lamentable fact that the students of our colleges and schools are found rapidly deteriorating in their morals. They are found to visit houses of ill-fame in numbers which were never witnessed before, and they have imbibed the habit of ridiculing every thing great and good. We hope that those in power will devise some means of stopping this downward course among the students who are really the rising hope of the country." The *Liberal and New Dispensation*, in an article on moral education (January 15th, 1888), calls attention to this unhappy tendency in terms of no uncertain meaning: "It is a matter of deep regret that, with a few honourable exceptions, our countrymen are yet unable to realize the magnitude of the harm which the present system of education is doing among us. . . . The intellect at the expense of the heart can only produce a caricature of humanity. . . . Those who have anything to do with schools in this country must admit that they are daily getting worse and worse, and, unless some wholesome influence is brought to bear on them, there is no knowing where this growing want of discipline may finally land our young men."

The *Arya Patrika* of March 27th, 1888, has a leading article on this subject, from which the following is taken: "Those who have had occasion to meet on intimate terms with, and thus gauge the feelings and sentiments of our graduates and under-graduates, could not have failed to be struck with the utter indifference with which they regard every thing bearing on religion or morality. In some this indifference is carried to such monstrous lengths, that the gravest topic connected with the moral and spiritual welfare of man, which ought to be approached with becoming reverence and seriousness, which ought to be examined and discussed in a devout and reverential spirit, is made the subject of remarks, which are most offensive. . . . It would avail but little to contradict that the majority of those who are sent out from colleges and schools from year to year; are absolute failures as far as good morals are concerned. . . . It would seem that the highest intellectual culture is regarded as synonymous with, or inseparable from a thorough and profound disregard for purity of thought, word, and deed."

If all this is any index to the tendency of the present

so-called neutral system, no time should be lost in prescribing a remedy. Every right-minded person, having any genuine interest in the moral welfare of India, must agree with the position that "until failure follows an earnest effort at imparting moral instruction in colleges, he (the Governor-General in Council) is unwilling to admit that success may not be secured." Flippancy sneers at the subject and humorous remarks about "moral pocket-handkerchiefs," must not blind or divert men of earnest purpose.

Before passing to the discussion of a remedy for this pernicious tendency, we may well dwell for a moment on some of the causes contributing to it. In treating diseases, success depends largely on a proper understanding of their causes. Doubtless the policy of non-interference with the religion of the Natives is, in the main, correct ; but exceptions have been made in the case of legislation, in the sheer interests of humanity,—to protect the people against their own crimes or folly. Something, perhaps, must still be done in this line. Neutrality has not been a thing so inviolable that it need be pressed to an absurd extreme in the State education of the country. School-books have been carefully weeded of any thing like the Christian religion, which has been so completely ignored as often to leave the impression that the English are a people without any religion. The *Indian Evangelical Review* for July 1882, thinks that there has been a studied effort made to keep Christian men out of the department. But, be that as it may, to utterly ignore and proscribe moral teaching, must surely in time produce rank immorality.

But it has not been all neutrality. Working under the shield of neutrality, professors, teachers, and educational workers have not scrupled to use their opportunities to attack the religion regarding which they were supposed to be neutral. They have sought to disparage and bring into contempt what has been, on the evidence of scepticism itself, the grandest bulwark of, and inspiration to morality the world has yet seen. The Rev. Thomas Evans is authority for the statement that the Principal of a Government College delivered a lecture on atheism to an audience in which was a large number of his students, and at the close invited remarks. A Hindu gentleman arose and replied : "I do not at all agree with the teaching of the learned lecturer, and I think it is a great pity that Government should employ as professors, to teach our children, men who do not believe in a God ; and the sooner we have reformation in this matter, the better for us and for our children." Dr. Murdoch, a careful observer, and for more than forty years an educational worker in India and Ceylon, states that the agnostic is admitted to the lecture-platform of some

Government schools, while the Christian lecturer is rigidly excluded. Samuel Smith, M. P., in his "India Revisited" says: "There have been, and still are painful instances of Government colleges whose whole influence is thrown against Christianity. The heads of some of these institutions are pronounced agnostics, and miss no opportunity of instilling scepticism into the youth under their charge."

Such quotations need not be multiplied to show that under the garb of neutrality, men have been trying to destroy the best safeguard of morality the world has ever seen. They that sow the wind shall reap the whirlwind. The irreverence, irresponsibility, and lawlessness begotten of materialistic, agnostic, and atheistical teaching will bear their legitimate fruit of immorality. A very natural product of such tutorship is, as the *Arya Patrika* puts it, an "indifference carried to such monstrous lengths, that the gravest topic connected with the moral and spiritual welfare of man... is made the subject of remarks which are most offensive and revolting to one's moral instincts," together with "a thorough and profound disregard for purity of thought, word, and deed."

Still another reason for the unhappy tendency under discussion is found in the unhinging and destructive nature of the enlightenment obtained in our schools. As the letter of His Excellency aptly puts it: "Such tendencies are probably inseparable from the emancipation of thought which is one of the most noticeable results of our educational system." Enlightenment often brings unbelief, and unbelief brings lawlessness. The popular forms of belief in India must pass away, and are doing so under the solvent of our education. Even these popular beliefs, and the more ancient and subtler philosophies and theologies from which they sprang—or at least which they overgrew—had a certain ethical value as a restraint on vice and lawlessness. Critics are continually harping on the intolerance of Missionaries, and their inability to appreciate anything in the systems they encounter; and yet no one sees more clearly than the Missionaries the ethical value of the systems they seek to supplant. It was Bacon, and not a Missionary, who said that idolatry is worse than atheism, because the latter merely denies the existence of God, while the former misrepresents Him. Much in the systems of India has a restraining influence, holding in check the spirit of lawlessness which, according to St. John, is the essence of sin. Take away this check, and moral anarchy and collapse must follow. These systems foster the idea of subordination and responsibility to a Supreme One who has some kind of government over the world. There is something higher than man; something to which he must be reverent and obedient, or suffer. Like Greece and Rome, India

is losing faith in her gods, and the ancestral religion is passing away. The system of education which has been playing on the mind of India does not even give a stone for that which is taken away. Swept of the old belief and garnished, what an opportunity for the seven-fold spirit of selfishness, irreverence, and lawlessness to enter. And this is becoming, or has become, the position of the India of to-day.

There is some hope in the fact that a paternal Government discerns the evil, and is casting about for a remedy. The recommendation of the Education Commission and the Government of India Letter give an outline of what may be attempted in the matter. All is in mere outline, of course ; but this outline can be filled in and worked out by those to whom the work is committed. It is easy to raise objections, and seek to make the subject look ridiculous ; but that does not prove that the attempt at reform is either unwise or impracticable. If the bold position be taken that the State has no business with moral education, then why with any education, mental or physical ? But, if with these, then why not with moral education ? Why should the State divide a man into three parts, and undertake, in some degree, the education of two parts, and ignore the third ? If the State has any right or duty in the matter of education, such duty applies to the entire man. We are not pleading for interference with religion in India or any other country ; but there are certain rules of moral principle and practice common to all nations, which can be inculcated with as much propriety as any ordinary matter of science or sanitation. It is sheer quibbling and obstructiveness to deny this. It is not proposed in this paper to undertake details. This is the work of men to whom may be committed the duty of working up a plain Code on the subject. But it may be broadly pointed out that what is required must be grouped under three heads : (1) Teachers, (2) Discipline, (3) Books. All these should be made a source of moral training.

It is worthy of remark that on this subject Native journals make much of the influence of the teacher. The *Hindu Patriot* puts it thus : "In devising measures of discipline and obedience it is necessary, therefore, to provide not only penalties for offenders against discipline, but to put in power only men who, by their high moral character and sympathetic disposition, are fitted to command respect and sympathy." The *Arya Patrika* (April 17th, 1888) says : "The ways and habits of the learners will be found, in the majority of cases, if not invariably to be the surest means of forming an idea of the character of the teacher. A teacher but reproduces himself in his pupils. . . . The character of the teacher, to be brief, moulds the character of his pupils. It is, therefore, of the utmost importance that the

men who are entrusted with the education and instruction of children should be men of the most elevated moral character. . . . . Care should, therefore, be taken that he to whose charge and responsibility the child is consigned, is a man of unimpeachable moral character, one who is chaste in thought, word, and deed." The editor of the *Liberal and New Dispensation* (January 22nd, 1888) remarks, that he would prefer even sectarian teaching, than "to leave our young men in the hands of people who reverence no one but themselves." He adds: "In England there are antidotes to poisonous teachings, which are conspicuous by their absence here. . . . . If it were otherwise, Herbert Spencer and Professor Huxley would have carried the day against all others. But the fact is that for one such interpreter of Nature, there are a dozen who lead their hearers to a true sense of religion and piety." It should be noted that these are not Christian papers. The wisest and best Natives in India are ready to second and support any method which will secure good moral influence in the schools.

It is preposterous to object to any State censorship of morals and opinions. Something of this we have already, and must have. Already the State takes cognizance of the moral record of its employes, and tries to keep as clean a sheet as possible. And as to opinions, a Christian State has as much right to protect its subjects against moral wreck, as to preserve itself against political wreck, by taking cognizance of seditious teachings. Censorship, under checks of course, we must have, or the worst evils of irresponsibility and anarchy must follow. College professors should understand that if their halls and class-rooms are not the place to teach Christian dogma and the faith of creeds, neither are they the place, while sneering at the faith of the State, to teach *isms* subversive of that faith, and which have never earned any credit whatever as moral renovators of mankind. As to ordinary teachers, the suggestion of the Government Letter is a good one for doing something to furnish a better moral class of teachers than can be had by absence of care in the matter. It contemplates "the provision of efficient training schools and colleges for teachers, and the employment as teachers of those only who have given satisfaction during a course of training."

As regards discipline for the school, which of course already exists to a certain extent, we have a matter needing more thorough organization and more wide-spread application. In the Government letter, we have some good outline-hints on what may be attempted relating to "the repression of breaches of discipline in accordance with certain well-defined rules," the use of "conduct registers," and a system of monitors having some oversight of the conduct of

pupils in and out of school. All this could be worked into a more perfect system than anything now in use. Certain critics have little faith in this. It is supposed that it will tend largely to make a class of hypocrites, who are not good from right motives, if to some extent they are outwardly good. Mankind, it is said, cannot be bribed into virtue. An air of absurdity is thrown over the whole subject as something not to be thought of or attempted as a serious effort at drilling morality into the schools. One cannot help wondering how these critics and obstructionists would proceed to improve the morals of the rising generation. A reference to a little passage at arms that occurred not long since at a meeting of the Nineteenth Century Club in New York city, will put this whole subject in its true light. There were numerous sceptics and free-thinkers at the meeting, and Julian Hawthorn read a paper on Society, as seen from the standpoint of "advanced thinkers." Mr. Hawthorn's position was, that man is kept in order by the Church and society, by a system of punishments and rewards; that man is not good from proper motives, but lives and dies a hypocrite; that some other system is needed to regenerate mankind and produce a nobler manhood, not actuated by sordid fear and hope. Chancy M. Dupew was called upon to reply in a speech to Mr. Hawthorn's argument, which he did in a most telling manner. Among other things he said: "A better society never has, and never will, exist than that in New England for its first one hundred and fifty years: its whole life was dominated by the family Bible. You are all familiar with the care and growth of children. Fear and rewards have always been the elements of their education. From the first dawns of intelligence they are taught that they will be punished if they do wrong, and benefited if they do right, both here and hereafter. If this system was abandoned, and an effort made to find some higher nature which would assert itself in a beautiful and reverent life, the boy would break the windows, smash the looking-glasses, maul his younger brothers and sisters, cut up your best picture, and finally cut your throat. The old-fashioned way of arousing fears and inspiring hopes does not make these children hypocrites. A conscience is gradually aroused within them. By its teachings they act, because it is more gratifying in every sense to rightly live; and these boys and girls, instead of becoming broken or mean-spirited, are full of sensitive honour and pure aspirations." We may depend upon it, if lads and young men have laid down for them rules demanding reverence, obedience, peace, promptness, truthfulness, honesty, and fairness, and these are enforced by suitable rewards and punishments, something effective will

be done to build up a better character than will come by an evangel that seeks to overcome vice by some transcendental motives, that keep clear of the regions of "sordid fear and hope."

Turning to the question of moral teaching and of a moral text-book, one point to be noted is that the subject of clean and expurgated books must not be overlooked in dealing with moral education. Vigilance is required. Native literature of a most pestilential character will find its way into the vernacular schools if a censorship is not exercised. The reasons and the law which forbid the sale of indecent prints and pictures apply with exactly equivalent force to the sale of indecent literature. In the matter of a moral text-book, it is a curious fact that the Anglo-Indian Press has been much more inclined to treat the subject with doubt or ridicule than the Native Press. The latter is, to a large extent, in favour of moral lessons. Some Native papers are a little chary on the subject, doubtless from jealousy of moral influence derogatory to their religion; but this is exceptional, as indicated by the periodicals which have passed under the eye of the writer, representing Bengal, the North-West and the Punjab. The fact is that the country is ready and ripe for any reasonable reform. A few references will prove this. The *Indian Union* (January 11th, 1888), soon followed the Government letter with an article containing this statement: "We venture to observe that a manual on pure morality drawn from the Bible, the Kuran, the Mahabharat, and Ramayan, if compiled by an expert English and oriental scholar, would doubtless be alike acceptable to all classes of students, and highly answer the requirements of modern India." The *Lahore Tribune* (February 25th, 1888), states "that considerable good would result if a really good book of morals could be written or compiled." The writer then gives a long list of books, mostly in English, that might be drawn on for this purpose. The *Liberal and New Dispensation* (January 22nd, 1888), enters at length into the whole subject, and, while granting that religious teaching cannot be undertaken in the schools, says: "This difficulty does not extend to moral teaching." In a later issue (May 20th, 1888), it returns to the subject and recommends the use of such books as Paley's Natural Theology, Prescott's Moral Education, Chamber's Moral Class-book, and Mrs. Bray's Elements of Morality. The *Arya Patrika* thus appeals to the Committee of the Dyanand Anglo-Vedic College at Lahore: "The Sanskrit books at present taught in our schools are extremely defective from a moral point of view. They are incapable of generating and fostering that spirit of moral elevation in boys, which is so necessary for them

on their entrance into the arena of life. . . . The Managing Committee should no longer neglect the duty which they have bound themselves to discharge. They ought to provide the school with a series of Sanskrit and Hindi books, which should be especially designed to imbue our boys with the right principles of thought and action."

Years ago Keshab Chandra Sen recommended Paley's *Natural Theology* as a College text-book. When Sir Madhava Rao was Dewan of Travancore, he felt the need of moral teaching in the State schools, and himself prepared a text-book called "*Principles of Morality*." He made God's law the standard of virtue and duty. When, some years ago, the Senate of the Madras University excluded Moral Philosophy, except as an optional study, *Native Public Opinion* commented on the change in terms of no uncertain meaning: "We are bound to protest in the most emphatic terms against the exclusion of general ethics from the system of studies prescribed for the University Examinations. Our surprise is really inexpressible at finding that it is seriously contemplated to remove this subject of vital importance from even the B. A. Course, and place it in the category of optional studies. . . . Can absurdity further go? We should, on the other hand, insist with all our might upon having ethics carefully taught as soon as the student is able to understand ordinary English."

It is matter of no small interest to know that Native enterprise has outstripped tardy and cautious "neutrality." Last year Lala Kashi Nath translated, and the Arya Darpan Press of Shahjahanpur printed, Professor Blackie's "*Self Culture, Intellectual, Physical, and Moral*." This book is now prescribed in the Hindi Proficiency Course of the Punjab University, and in the curriculum of the Normal schools in Oudh. It thus appears that our enterprising Native subjects have actually outrun the Government. The translator says in his preface: "The book treats of pure morality, and teaches young men, in a very befitting manner, to cultivate good habits and learn what will make them happy and useful members of society." He has put the "moral culture," part first, which treats of "obedience," "truthfulness," "industry," "fairness," "self-restraint," "avarice," "fortitude," "prayer to God," &c. While we are doubting and quibbling, here is a "moral text-book," translated and printed by a Native, and pushed into the schools. As has been remarked, India is ripe for any reasonable reform in this matter, so vital to the well-being and happiness of her people.

Coming directly to the question of moral instruction\* by books, there are three special ways by which such instruction may be worked into the Government educational system from

the bottom to the top ; first, by moral lessons in the ordinary reading books ; secondly, by the use, collaterally, or at some stage of a moral text-book, dealing in outline, and by easy methods, with the virtues and duties universally recognized ; thirdly, by the careful teaching in college of the Science of Ethics. Something of this we have already, and it remains to work up the subject in a more systematic and effective form so as to make it a component part of State education. The above mentioned " ways " are taken up briefly in the order given.

The school-book should be leavened with moral truth and incentives to virtue. " What you would put into the life of a nation, put into its schools," says a German author, which may be rendered " put into its school-books." Again, it has been said : " Make the school-books of a nation, and let who will make its laws." The Education Commission pressed this matter on the attention of Government ; and now that the whole subject is under consideration, the advice given in the Letter of December 31st, 1887, is much in point : " In all cases it is desirable to review the text-books now in use in the light of the Secretary of State's Despatch, and to re-cast them, possibly with the view of introducing into them extracts from the various great writers who have dealt with the question of personal conduct in its various aspects." This subject has not been entirely overlooked by Government in the past. The Christian Vernacular Educational Society's school-books are well leavened with moral teaching ; but as they have in them religious teaching, they are, perhaps, not in use in any Government schools. Laurie's Oriental Readers, prepared for India, however, are used in some Government schools, and out of 174 lessons in the book there are 33 with moral instruction in them. Thus, a good deal can be done without straining " neutrality " ; and the small moral doses have produced no unhappy revulsions or dangerous symptoms among Her Majesty's Indian subjects. It remains for a General Educational Committee or Commission to bring the matter to a state of greater effectiveness by infusing a little more morality, and seeing that schools in every direction use books of the kind, both in the vernacular and English. Fundamental principles and virtues should find a place and not be diluted to a state of vagueness. God, responsibility to Him, prayer, obedience to conscience, truthfulness, honesty, justice, sexual purity, forgiveness, and such themes will meet with the approval of all right-thinking Natives. Indeed, some of the lessons could be taken from Native authors.

The question of a moral text-book, or manual on morals, has been dealt with more charily. The recommendation of the Educational Commission in 1883 was considered by the Government of India and Secretary of State, but was not supported.

Afterwards, the Secretary of State, Lord Kimberly, though not accepting the suggestion of the Commission, expressed the opinion that, possibly, at some time, a "book of moral rules may be written, of such merit as to render its use desirable." Government seems to have been incredulous of the efficiency of moral text-books, or excessively cautious of offending the moral feeling of the people of India, which is curious enough in view of some of its legislation touching moral and humanitarian matters. However, it is satisfactory to the friends of this movement, European and Native, to learn that it is now the opinion of the Secretary of State, that it "is the duty of the Government to face this problem, and not to be content until a serious endeavour has been made to supply what cannot fail to be regarded as a grave defect in the educational system of India." The Secretary of State calls attention to the books of moral lessons in use in England, and suggests that a book of similar character might be prepared for India. The subject is thus fairly before us, and is not fraught with as much difficulty as has been imagined. The chief difficulty will be in the teachers, who often will themselves be so far below the standard of the book, that there will be a manifest incongruity between the teacher and his lesson. However, the moral instruction will not necessarily be lost on the pupil, and the teacher may also be improved by it; and indeed this may be considered one of the best means of fitting the teachers themselves for exercising a better moral influence on their pupils.

This moral text book should be adapted to all preparatory and lower-class schools; that is, it should be a book not reserved for higher classes only. It should not be an elaborate Science of Ethics, but be rather a somewhat systematic course of lessons covering the main features of moral life, and indicating such duties and obligations in various relations of life as commend themselves to the moral sense of men of all creeds. Domestic, social, and civil duties and obligations could be explained and illustrated. No very guarded effort need be made to make it simply a book of "Natural Religion." Moral obligation, based on responsibility to a Supreme Ruler, should be freely admitted. Sir Madhava Rao's little book "Principles of Morality," which has been already mentioned above, has the right ring: "Recognition of His eternal existence; acknowledgment that He alone is the disposer and governor of all things; the use of all the means in our power to ascertain His will; fear, love, submission, honour, worship by praise, prayer, confession of sin, and thanksgiving for mercies received." It would not be difficult to obtain suitable extracts from some of the religious books of India, and such a course would make the moral text-book more acceptable.

In fine, the preparation of a good text-book need not be accompanied with much difficulty. In 1883, Sir Roper Lethbridge prepared, and Messrs. Thacker, Spink & Co. published, a Moral Text-book for Indian Schools, on the plan of extracts and lessons from European and Indian sources. About 15,000 copies of this book have been sold and used chiefly in the Punjab and North-Western Provinces. This book has much to commend it, till something better can be provided.

We now come to our third mode of imparting moral instruction. In the higher or college education the Science of Ethics should have a well-recognized place, and be taught in no dubious or hesitant way. The importance of this subject was recognized early in the history of public education in India. Kerr, in a review of Public Instruction in the Bengal Presidency, states that the Court of Directors at an early period desired the moral improvement of the Natives, and "directed that a professor should be appointed to lecture on Jurisprudence and Morals, without having any other duty to perform." The desire was not carried out; and in 1840, Mr. Cameron, in a minute on this subject, states that because debarred by neutrality from teaching religion, "it is, therefore, more incumbent upon us than on other ministries of public instruction, to teach morality in the form of Moral Philosophy." This good purpose has never been lost sight of by Government; but the extreme cautiousness in maintaining non-interference with the religions of the country has resulted in a disastrously feeble policy, and the moral element in education has been at a sad discount. No wonder that Englishmen have sometimes seemed to the Natives a race without a religion!

An attempt has been made to raise grave difficulty over the disputed basis of Ethics. What, it is asked, is the basis of Ethics? Utility, expediency, some non-theistic religion of humanity, or the will of God? In the clash of rival systems, it is urged we have nothing positive to offer. But well-wishers of India must not be thrown off the track by such strategy. It has yet to be demonstrated to the world that a moral system without a deity in it has any real moral power. The present crisis is no time for speculation, and experiments; nor is this what the better-thinking Natives want for their country. The sturdy standard of Sir Madhava Rao in his "Principles of Morality," is the keynote: "The Law of God is the standard by which the judgments of the moral faculty are guided." And here, again, any quibble raised over the question of how we are to know the supposed law of God must not divert or paralyze the well-meant effort to teach a morality with the only effective basis we really know of. For all practical purposes, responsibility to a living

Creator, as gathered from Natural Religion, and as recognized by the best Native minds in their religious books, is quite sufficient. Fifteen years ago the *Indian Mirror* (July 27th, 1873) spoke out nobly on this subject in reply to the *Englishman's* objection to ethical teaching, founded on responsibility to a living Creator. The *Mirror* said that if the Government should adopt such an infidel system of education, "there would be a tremendous outcry against it throughout all India, and all sects would unite in protest against it. . . . The morality we demand is real morality of conscience, based upon the universal belief in a Supreme Moral Governor. This is neither new religion nor new morality, nor is it an innovation in State education in India." India does not want God eliminated from her Moral Philosophy. It may well be doubted if much good will come from teaching rival theories. A comparison of such theories—simply to show the learner their existence and to indicate their unsatisfactory character, and to strengthen the sense of responsibility to a Supreme Moral Being—might be useful, but the morals of India's rising generation are not to be improved by ridding the universe of God. Any system of morals in which this is done should be discarded, and teachers attempting to teach such a system should be, *ipso facto*, disqualified for this post. They are but sowers of dragon's teeth. With a generation or two of such teaching, India would be as devoid of morals as was Rome at the beginning of the Christian era; "when," as Mr. Dupew said, "the world was peopled with wild beasts." Of course, intolerant sceptics will put in the plea of intolerance here; but we are dealing with a very grave matter, and have no right to permit dangerous experiments with the moral life of a people. Besides, the State is Christian, and has a right, while it continues such, to maintain a Christian attitude in protecting and promoting the moral life of its subjects. We are urging no innovation and no departure from neutrality. What we urge is approved by all right-thinking Natives. Ethical teaching, based on man's responsibility to an intelligent Creator, exists already in the educational system of India, and only needs to be developed and strengthened.

An important question in this matter of promoting the moral life of India is, What more can the State do in encouraging aided schools and colleges in which religious instruction may be given? It may well be doubted if much can be done to cultivate man's moral nature without collaterally, and perhaps, first seeking to cultivate his religious nature. As the distinction between moral and religious training is referred to continually in the consideration of this subject, it is well to keep clearly before our minds what the distinction, as technically

understood is. Morality has special reference to man's relation and duty to his fellow-man, the whole being referred, it may be, to the Divine will. Religion is the recognition of God as an object of obedience, love, and worship. It is a feeling of moral obligation influencing the heart toward God. Motives of duty are founded on the will of God. Etymologically, religion is that which binds man to God *and is just what India needs in the present crisis*. Objectively considered, religion may be taught as natural or revealed. This is doctrine or dogma; the *cultus*, or worship of religion, is the outward expression of the religious sentiment. All history establishes the fact that man is a religious being; his moral nature cannot be effectively developed independently of his religious nature. The great Washington said: "Let us with caution indulge the supposition that morality can be maintained without religion." In the sphere of religious education, the State in India has sought to observe strict neutrality; but the difficulty of ignoring the religious sentiment, and of totally severing moral and religious education, is becoming more manifest. Moral education cannot stand alone, and besides, no education that is carried on by halves or in sections, can completely educate man. The Educational Commission was confronted with this difficulty. "The value of religious education was admitted on all sides." It was hoped that, "home instruction and the increase of aided schools in which religious education may be freely given would, to a large extent, minimize the recognized evil of banishing religion, &c." In the Letter of December 31st, 1887, the Government expresses its desire on this point; and, "the Governor-General in Council would be sincerely glad, if the number of aided schools and colleges in which religious instruction is prominently recognized, were largely increased; and this significant categorical sentence is added: "It is in this direction that the best solution of this difficult problem can be found."

While observing its policy of religious neutrality, the State can encourage voluntary religious education by encouraging more fully, "aided schools and colleges in which religious instruction is prominently recognized." If it be said that this must encourage also schools in which Hinduism and Islamism are taught, our reply is that Islamism and Hinduism (which recognize a God) are better than atheism and moral lawlessness. Besides, the grant-in-aid checks would eliminate positively worthless or vicious schools. Under proper encouragement Christian aided schools might be largely increased. The religious element would be, as now, Bible-instruction, prayer in the school, the effective use of moral and religious lessons, moral text-books, and the personal influence of religious teachers

and superintendents. It is the grossest misrepresentation for the opponents of such education to urge that there is anything unfair or coercive in it: Communities are left to the fullest liberty to avail themselves of such educational opportunities or to avoid them.

If the Government desires, in the interests of moral and religious education, that the number of such institutions be "largely increased," this can be effected by a wise use of the grant-in-aid system; and with economy to the State, by gradually withdrawing where the field is being well occupied. In many instances there is such sharp rivalry that Government has a good reason for withdrawing. Two specific points may be made here in illustrating the way Government may encourage voluntary educational effort by the grant-in-aid system: (1) By preventing local or official influence from withdrawing grants-in-aid on merely religious grounds. Notwithstanding the declared policy of Government on this point, and its direction to educational officers to take no notice of the religious instruction in aided schools, evidence can be produced to show that in some instances, officials have made Christian instruction the ground for withholding aid. Such action should be sternly repressed. (2) The grant-in-aid rules should not be encumbered with such hard conditions as to really obstruct aided institutions. It is to be feared that to some extent and as sometimes applied, these rules might more accurately be called *grant-in-obstruction rules*. The right or propriety of the State to maintain some supervision over schools using the State funds is not disputed. "Indeed, it is of great utility that the State should carefully exercise such supervision; but unfortunately in the case of officials who are unfriendly to everything but merely secular education, such supervision becomes a means of obstruction and repression. To illustrate: grants have been withheld under the plea of discouraging "proselytizing schools;" the use of any but Government books is discouraged; the aided schools are pressed into such competition with Government schools, that no time is left for moral and religious education; the independent management and internal arrangements of the school are cramped and hampered, till but little remains besides the Government standard of things. A Missionary Report on this subject has the following statement: "The tendency is more and more to repress independence, and reduce all schools to one rigid procrustean form, after a Government model. One Inspector lately went the length of issuing an order to the schools in his district to use only the Government books. . . . The internal economy of even aided schools is, to a very large extent, taken out of the hands of the managers, and put

into the hands of Government officials." Perhaps the treatment of girls' schools is more liberal ; and yet some of the grant-in aid rules preclude assistance being given to very good schools. One rule is that " aid is not given to a school at which the average daily attendance is less than twenty." Female education is still surrounded with great difficulty in India, and this rule excludes many a worthy school. Again, the inspection of these schools by Government officers has sometimes been injuriously enforced, and that, too, when thoroughly competent and trustworthy inspection was otherwise guaranteed.

In reply to the above it may be said, that without this close and dominating supervision, the education of these aided schools would be very defective. Without granting this point, or entering into its discussion in this paper, suppose it be admitted that this supervision secures better secular education than might be secured with less obstructive supervision, mere secular knowledge is not the end all and be all of true education. The great question now under the consideration of Government is how may *moral education*, hitherto so neglected, be promoted. His Excellency the Governor-General in Council sees "the best solution of this difficult problem" in "aided schools and colleges in which religious instruction is prominently recognized." Now, if these institutions are to increase and prosper, they must be allowed to do so in their own way. They must be permitted to sacrifice,—as measured by the standard of Government inspectors and university examinations—something of secular efficiency to moral worth and character. If Government desires, as the Letter indicates, "to fill the vacuum which a purely intellectual training has created, and to mitigate the evils of a one-sided development," the way is plain, and (as remarked by the Secretary of State) "should not be lost sight of until something practical has been done."

For the reader's convenience, I sum up the substance of my arguments and recommendations :—

I. Government has fairly opened the way for reform on the question of morality in schools, and should not recede. It is the duty of the State to give attention to the *moral education* of its subjects. Educated India is now being demoralized.

II. Certain Anglo-Indians do not approve of Government touching this subject. Natives, on the other hand, do approve, as attested by extracts from speeches and writings.

III. Causes of moral deterioration in India are : (1) "neutrality"—the moral life of the people being almost entirely neglected ; (2) immoral and infidel teachers, producing scepticism and consequent lawlessness ; (3) the unhinging nature of the new enlightenment and civilization.

IV. *Remedies* :—Better teachers, better discipline, and better

books. A moral text-book and moral lessons are feasible, and are desired by the Natives. The system of Ethics taught should recognize a Divine Being.

V. *Importance of religious education.* Morality cannot stand alone. Aided schools and colleges the best solution in this direction.

VI. What can Government do? Less stringent and obstructive grant-in aid rules. The State must be content with less satisfactory results in purely secular studies in aided institutions.

T. J. SCOTT, D.D.,

*Principal, Bareilly Theological School.*

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## ART. VII.—THE CONFESSIONS OF ST. AUGUSTINE.

RELIGIOUS or semi-religious literature is somewhat at a discount in Anglo-Indian Society ; but, excluding the fortunate few whose lines are cast in Presidency towns and hill-stations, the life of the ordinary Anglo-Indian official is so dull, dreary, and monotonous, that the aid of religion seems to be a *sine quâ non* for the performance of duty and the banishment of despondency and discontent. There are, however, in most Mofussil stations—we speak of the Province of Lower Bengal—no aids to religion in the shape of church services, spiritual pastors and masters, or other Christianizing influences. Stations are thinning from year to year,—some contain not more than one or two European officials ; and it is no exaggeration to say that in some seven or eight districts in the Lower Provinces, the lot of the Mofussil official is hardly, if at all, superior to that of a Siberian exile. “ To scorn delights and live laborious days ” has been the secret of many a man’s success. The Mofussil exile has already accomplished half the above precept without any particular exertion on his own part, there being no delights either to be enjoyed or despised. It remains but to live laborious days ; and as there are no distractions, it might be supposed that this were an easy matter. But, in our opinion, it is the very absence of distractions that renders hard sustained work so difficult of attainment, and deprives it of half of its pleasure and glory. The greatest geniuses have generally been subject to terrible fits of reaction ; desultoriness and spasmodic fitfulness have often marked the best literary efforts. An occasional plunge into a vortex of excitement is, perhaps, the best antidote for overwork, and the surest renovator of jaded energies. Herein lies the disadvantage of the Mofussil exile ; he is precluded from the stimulating influences of change and contrast, he is shut out from all excitement or variety of occupation. His life is one “ one demd horrid grind,” one dull and deadly round of never-ending monotony. No wonder that he should often degenerate and go to seed ! For reasons such as these it is that most hard literary work is done in cities, and not far from the busy hum of men. It is probable that London, paradoxical as it may seem, is more conducive to hard work than any other place. The Mofussil official may be a worshipper of red-tape and office bundles, without a soul or idea beyond, or a man who lets day after day flow away, without any effort to utilize or make the most of his intellectual talents, only eager for the

time when he can shuffle off his Indian coil, and retire to his native land. Spurious ambition may not be uncommon : but real ambition, combined with sustained effort towards definite aims, and an earnest conception of life and duty, are rare ; and we hold that they are rare owing to a great extent to the unnatural conditions of life in this country, and especially the deadly and, we must add, demoralizing effects of Mofussil exile. This poem serves to explain our object in giving some account of the "Confessions of St. Augustine." The writings of some of the old divines are peculiarly suitable for Mofussil exiles, and readers, whose taste has been vitiated by strong and repeated doses of Zola-Daudet mixture, will find it a wholesome and beneficial tonic to peruse such books as Thomas à Kempis' "Imitation of Christ," the "Meditations of Marcus Aurelius Antoninus," and the "Confessions" above mentioned. These books contain much that is comforting and consoling to the Anglo-Indian who is often worried with the thought that he is throwing away the best years of life, and ruining his constitution in a pestilential climate. They are aids to devotion, and to the living of a nobler and higher life, and it is only the living of such a life that lightens duty, and helps to dispel the clouds of black care and dull depression, that settle down from time to time on even the most determined labourers and the most earnest of Christians.

The "Confessions" as an autobiography consist of ten books, the three last books dealing chiefly with the Mosaic account of the Creation. In the first book St. Augustine traces his life from its earliest stages up to the age of fifteen years. He acknowledges the sins of infancy and childhood, and confesses how he was then more fond of play and boyish amusements than of study. Flogging was at that time "held in high repute," and "our parents laughed at the tortures which we boys suffered at the hands of our masters." We fancy many a Bengali parent of the old school would be glad to have an opportunity of laughing at the tortures of his schoolboy-son ; but corporal punishment is almost unheard of in Bengal schools and colleges, and is becoming uncommon even in village patshalas. When he was still but a boy, Augustine was seized with a violent illness, from which he almost died, and during which he earnestly asked for baptism. As, however, he recovered, his mother put it off—

Therefore my cleansing was put off, because, should I live, I should inevitably get defiled again ; and sin after Baptism is of a deeper dye, and fraught with greater danger to the soul than sin before it.

He tells us that he liked Latin, but hated Greek, because the difficulty of learning a foreign tongue gave, as it were, a flavour

of gall to the sweets of Grecian fable. "For I knew none of the words, and, in order to make me know them, I was forced on by cruel threats and penalties." Latin, on the other hand, was learned amidst the caresses of nurses; the jokes of those who had fun with him, and the merriment of those who played with him. There is a characteristic and powerful denunciation of the mode of educating the young by describing the gods as having all the baser attributes of man. Cicero\* says: "Homer feigned these things, and transferred human actions to the gods; would I not rather that he had brought down divine things to us?" Upon which Augustine remarks that it would have been nearer the truth had he said: "He indeed feigned these things; but, by attributing a divine nature to infamous men, crimes were no longer reckoned as crimes, so that those who committed them seemed to be imitating not abandoned men, but the celestial gods."

And yet, thou torrent of hell, unto thee the sons of men are hurled, with rewards for this learning; and a great affair is made of it, when this goes on publicly in the forum, in the sight of laws which allot salaries in addition to the stipend.

Terence † introduces a licentious youth, proposing to himself Jupiter as an example of debauchery, whilst he looks at a picture on the wall, in which it was portrayed how Jupiter once descended as a golden shower into Danaë's lap, and thus imposed upon her. "But what god?" says Terence, "was it not he who with his thunder shakes the highest temples of heaven, and may not I, poor man, do this? And so I did it, and that willingly." Augustine remarks that he does not blame the words themselves, which are choice and precious vessels;

But the wine of error in them was given us to drink by those teachers,—drunken themselves with the same—who forced it upon us, so that we were beaten if we did not drink it, neither had we any sober judge to whom we might appeal. And yet I willingly learned these things, and unhappily delighted in them; and on this account was called a hopeful boy.

He also relates, as an instance of the absurdities on which he wasted his talents, how he recited the words of Juno ‡ angry and remorseful, because she could not turn away the Trojan King from Italy.

And what good was it to me, O my true Life, my God, that my recitation was applauded beyond so many of my own age and class? Was it not all smoke and wind? And was there nothing else upon which my talents and my tongue might have been exercised?

\* Tuscul. I. c. 26.

† Eunuchus, Act iii., Scen. 5.  
‡ Æneid, i. 36-75.

Men were more concerned in observing the rules of grammar than the law of God. We know from the poems of Catullus that Rome had its "Arries" as objectionable as those of Stepney and Whitechapel; and Augustine remarks that "if a man should, contrary to the rules of grammar, drop an "h," he would more offend men than if he, a man himself, hated a man contrary to Thy precepts."

The second book deals with the period of Augustine's life which commenced at sixteen, when, having given up study in his father's house, he indulged his own wills and desires. He remembers this time with deep remorse, and marvels at the way he was betrayed into committing a theft; and yet, he remarks, the human heart is not led into evil, unless, in some way, evil presents itself under the form of good. It delighted him to love and be loved; but the clearness of true love could not be discerned from the thick mist of sensuality. Both boiled together confusedly within him, and carried away his weak young life over the precipices of passion. He bewails that his friends took no care to hinder his ruin by lawful wedlock; "but only took care that he should learn to make an excellent speech, and become a persuasive orator." So he wonders that his father, who was but a poor freeman in Thagaste, paid his expenses to Carthage for the completion of his education; and yet this same father had no concern for his spiritual progress, nor for the purity of his life, so long as he became a cultivated speaker. He now mentions for the first time his mother, the saintly Monica, who half wished that he should marry, and so restrain the desires of youth within the boundaries of conjugal affection, and yet hesitated to recommend this course, lest a wife should turn out to be an obstacle and a clog to his hopes. It seems from the following passage that Rome was no better than in the days of Ovid and Juvenal:

But I made myself out more vicious, that I might not be blamed; and when I had it not in my power to equal these abandoned ones, I feigned that I had done what I had not done, lest I should seem less honourable from being more innocent, and be accounted of less importance because I was more chaste.

'The child is father of the man' is a rule that did not altogether apply to Augustine's life. He appears to have been particularly depraved in his seventeenth year, and describes how he committed a wanton theft:

Yet I resolved to commit a theft, and I committed it, compelled neither by want nor poverty, but through a loathing of honesty and a lust for iniquity, for I stole that of which I had already plenty, and much better; neither did I want to enjoy what I longed to steal, but to joy in the act of thieving and the sin. There was a pear-tree near our vineyard laden

with fruit, tempting neither for colour nor sweetness. To shake and rob this tree, we bad young fellows went late one night, after we had been racketting according to our abominable habit in the streets till then; and we carried off great loads, not for a feast, for, having only just bitten them, we flung them to the pigs, and the only pleasure we had in this was that we were doing what we ought not.

And yet, he says, no one commits a crime without some motive. Who can believe that a murder would be committed simply for the delight of murdering? Even the wicked Cataline did not love his crimes. Sallust makes him say that he committed crimes "to keep his hand in,"—to use a vulgar expression; "lest," says he, "through idleness my hand or mind should lose its powers."\* Augustine comes to the conclusion that he committed the theft from the love of sinning in companionship; had he been alone, he would not have committed the theft. His pleasure did not lie in the pears, but in the sort of exploit which the presence of accomplices in the sin made it.

From his seventeenth to his nineteenth year, Augustine resided at Carthage, where he tells us, though he stayed for the sake of study, he freely gave himself up to plays and infamous practices. He had a passion for seeing tragedies. Why is it, he asks, that man likes to taste an unnecessary sorrow, by beholding distressing and tragical events which he would not wish to happen to himself? And yet, as a spectator, he wills to be touched with sorrow for them, and this sorrow is his pleasure. What is this but a miserable madness? At this time he was head in the rhetoric school, and was puffed up with self-conceit in consequence. The "*Hortensius*" of Cicero appears to have exercised a most powerful influence over him, and turned his thoughts towards more serious things.

This book, indeed, wrought a change in my affections, and turned my progress to Thyself, O Lord, and altered my purposes and desires. All my vain hopes suddenly appeared contemptible to me, and I longed with an incredibly ardent desire for the immortality of wisdom, and began to arise that I might return to Thee. For it was not now to improve my powers of speaking, upon which I, then nineteen years of age, seemed to be spending my mother's gains,—for my father had been dead two years,—not to improve my powers of speaking that I read that book; neither was it the style that convinced me, but the matter.

The book inflamed him with a desire for the love of wisdom, which is in Greek called "*philosophy*." The study of this book made him more open to the influence of the Bible, and delighted with the exhortation in the eighth and ninth verses of the Epistle to the Colossians, he determined to turn his attention to the Holy Scriptures, that he might see what they

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\* Sallust, *De. Bell. Catil.* c. 9.

were. His confession that he disliked reading them should be an incentive to perseverance to those who resolve to read them systematically, and at first find it an irksome matter.

And lo, I discovered them to be a thing not to be understood by the proud, nor laid bare to children; but lowly at the entrance, sublime as you advance, and veiled with mysteries; and I was not such a one as could enter into it, or bend my neck to its paths. For not as I now speak did I feel, when I then turned to the Scriptures, but they seemed to me unworthy to be compared with Tully in point of dignity. For my swelling pride disliked the style, and my acuteness of perception could not penetrate their inner meaning.

It perplexed him very much—as it has perplexed many others—why the men in the Old Testament should be accounted righteous, when they had many wives at once and concubines also, when they killed men, and offered animals in sacrifice. He did not see at that time that the law of righteousness, which good and holy men obeyed, did, in a sublime and excellent manner, contain in one principle all that God commanded, and was in itself unchangeable; and yet it was not all at once enjoined, but at various times, according to the requirements and capacities of each succeeding age.

It was at this time that his mother had a dream that he had been converted. Augustine relates how she received an answer to her prayers through a certain Bishop. His mother asked the latter to grant her son an interview, and refute his errors, and unteach him the evil he had learned. The Bishop refused, saying that Augustine was as yet not docile, but puffed up with the novelty of the Manichæan heresy. "Let him alone," he said, "and only pray to the Lord for him; he himself by reading will discover his error and the greatness of his impiety." The Bishop then related how himself, when he was a young boy, had been handed over to the Manichæans by his misguided mother, and had not only read almost all their books, but had also copied them out, and had, without any argument or persuasion from any one, discovered how much that sect ought to be abjured, and had consequently abjured it. When he had said this, and Augustine's mother still would not be satisfied, but besought him with entreaties and floods of tears to see her son and argue with him, the Bishop became a little vexed at her importunity and said, "Go away, farewell; for it cannot be that the son of such tears should perish," which words she received as though they had been spoken from heaven.

In the fourth book Augustine gives expression to his shame at having been a Manichæan from nineteen to eight and twenty, and at having drawn others into the same error. During this period of nine years he sought "the emptiness of popular

praise, even the applause of the theatres, and the prizes for verses, and the struggle for withering garlands, and the follies of shows, and the gratification of ungoverned desires." He taught rhetoric and himself conquered by cupidity, sold to others the art of wordy conquest :

In those years I lived with one with whom I had not been joined in lawful wedlock, but whom my roving and impudent passion had found out ; to that one I remained faithful, and thus, indeed, experienced, in my own case, what a difference there is between the duties of the covenant of marriage, performed for its appointed end, and the contracts of a sensual love, where children are born though undesired, and yet, when born, become perforce objects of affection.

He was much devoted to astrology, and could not be persuaded to give it up, though his friend Nebridius and a very famous physician entreated him to do so. The latter mentioned that he had himself studied the art, and in his early years had intended to make it his profession and thereby gain a livelihood, and that if he could understand Hippocrates, he certainly had ability enough to understand this art ; and yet he had given it up, and taken to medicine, for no other cause but that he found the former had not a grain of truth in it, and that he, a grave man, could not persuade himself to seek a maintenance by deluding people. At this time Augustine received a terrible shock from the death of a very dear friend, with whom he had grown up together and studied together. The shock was the greater as Augustine had turned him aside from the true faith, and had jested with him about religious things. They had "one soul in two bodies," and the half soul\* that remained could find no pleasure in pleasant woods nor in plays and concerts, nor in fragrant bowers, nor in sumptuous feasts, nor in the pleasures of repose and of the couch, nor, in short, in books and poems. All things had a ghastly appearance ; even the very light itself. But time and companionship allayed his, as it allays all other sorrows. Time came and went day by day, lodging in his mind new imaginations and new memories, and patching him up again gradually with his old delights, thus removing his sorrow. He came to see that creatures are perishable, and that the soul cannot find permanent rest in them ; all created things are unstable, God alone abiding. But Augustine by no means condemns love. Beauty must have some grace and fairness, or it would not attract us. He mentions that when he was twenty-seven, he wrote some books "On the Fair and Fit," which he dedicated to Hierius, a renowned orator of the city of Rome, (whose face he had never seen), on account of the fame of his

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\* *Dimidium animæ meæ.* Flor. Carm., lib. i., ode. 3.

learning. But at the time of writing the Confessions he hardly remembered how many books he had written or what was in them. It was not till his twenty-ninth year that, having discerned the ignorance of one Faustus, a Manichæan, in those things in which they boasted that they possessed divine knowledge, he was led to entertain the idea of going no further in that sect. Augustine had heard of Faustus for many years, and had been looking forward to seeing and conversing with him. He was much struck by his fluency of speech and choice of suitable words; but when he came to discuss matters with him, he found him ignorant of the liberal sciences, except grammar, and of that he did not know much. Therefore, Augustine despaired of getting from him any light upon and solution of his perplexities. Faustus was aware that he had not the requisite knowledge to answer Augustine's questions, and he was not ashamed to own it. Augustine's attachment to the writings of Manichæus was thus broken. When the teacher, who was so celebrated among them, was unable to satisfy his doubts, he had no hope that their other teachers would be able to do so.

After his separation from the Manichæan sect, Augustine left Carthage for Rome, much against his mother's wish. He tells us that the chief and almost the only reason he had for going there, was that he had heard that young men could study there more quietly, and were kept in check by more regular discipline; so that the scholars of our school could not rush at random and impudently into that of another master, but were only admitted when they had previous permission. At Carthage, on the contrary, we are told that the license which the students took was shameful and unbounded. They rushed in insolently, and with such graces as almost befitted madmen, and upset whatever order anyone might have established for the good of his pupils. They committed injuries with a marvellous insensibility,—injuries which would bring them within the reach of the law, unless their custom had lent a sort of sanction to them. In order to get away from Carthage, Augustine had to deceive his mother, and pretend that he had a friend whom he could not leave, until he was fairly under way:

And difficult enough I had, as she protested she would not return without me, to induce her to stay that night in a place which was very near the ship, which was a Memorial Church of Saint Cyprian. That night I clandestinely departed; but her tears and her prayers followed me. And what, with those tears, was she then seeking from Thee, O Lord, but that Thou wouldest hinder my departure? But Thou, in the depth of Thy wisdom, by then denying her prayer, didst grant that which was at the root of her desire, in order to make me what in every prayer she longed for me to be.

At Rome, Augustine was attacked with a terrible fever, but recovered. He recounts the erroneous opinions he entertained

before he accepted the doctrine of the Gospel. His conversion was due to St. Ambrose. The people of Milan had applied to the Prefect of the city of Rome to provide them with a professor of rhetoric, who was to be sent at the public expense. Augustine asked for and obtained the post. He went to Milan, and was received by Ambrose, the bishop. He tells us that he first listened to the bishop's addresses, not with the right disposition, but as it were, to make trial of his eloquence; and whilst he opened his heart to admit the eloquence of his utterances, there gradually entered, likewise, a conviction of the truth of what he said. Now for the first time the Catholic Faith, on behalf of which he had thought nothing could be said in answer to the attacks of the Manichæans, seemed to him to be capable of being defended by something more than reckless assertion; especially after he had heard several passages in the Old Testament explained, and often in a mystical manner, which passages, when he had understood literally, he had been killed spiritually. Still, even now, he was unable to conceive of a spiritual substance. He determined, therefore, to be a catechumen in the Catholic Church, till something certain should shine upon him to direct him in his course.

After some time his mother Monica followed him to Milan. She was highly respected by Ambrose for her pious life and good works, a feeling which she reciprocated, as she attributed to him the improvement of her son. It had been her custom in Africa to bring pulse-meat, bread, and wine to the Memorial Churches of the Saints; but she readily gave up the practice, when she found that it was "forbidden by that illustrious preacher and pious prelate, even to those who would use it abstemiously, lest it should lead to excess in those who were addicted to drink, and because it resembled very much the festivals which the heathen held in honour of dead ancestors." By talking with and hearing Ambrose, Augustine became more and more convinced that all the knots of sophistical calumnies which deceivers had fastened against the Divine Books, could be undone. Ambrose often preached on the text: "The letter killeth, but the spirit giveth life," and drawing aside the mystic veil, he would spiritually explain those passages in which the literal sense seemed to teach something unsound, treating them in such a way as to give no offence. In this way Augustine began to perceive something of the true doctrine of the Church. Still, his heart would not absolutely assent to anything, fearing a precipice. He wanted to gain the same sort of certainty concerning the things which he saw not, as that which assured him that seven and three were ten. He used to discuss his feelings with Alypius and Nebridius. The former he loved on account of his capacity for moral greatness; and with much difficulty he

reclaimed him from his love of the Circensian games. "*Panem et Circenses*" seems to have been the cry at Carthage no less than at Rome. Augustine bears testimony to the great integrity of this Alypius, and his firmness as an assessor to the Court of the Italian Exchequer in Rome. There was one snare, however, in a literary matter, into which he well nigh fell, namely, the temptation to have books copied at Prætorian rates; but, consulting the dictates of justice he came to a better mind, esteeming rather the equity which forbade him to avail himself of this advantage, than the power of having the privilege in question. "This may seem a trifle," remarks Augustine, "but he that is faithful in that which is little, is faithful also in much." The Prætorian rates appear to have been specially favourable Government rates. At Rome books were copied out, and so cheap and plentiful was slave labour, that a copy of Virgil sold in Rome for a few denarii, that is, as cheap as a copy can be had at the present time in London. These three, Augustine, Alypius, and Nebridius, were one in their sighs and one in their perplexities, ardently searching after the true life of happiness, and most acutely examining the most difficult of problems. Alypius, who was in this respect so chaste as to be considered a marvel, hindered Augustine from marrying, dinning into his ears that if he did so, they could by no possibility have leisure-time to live together in the love of wisdom. Augustine opposed him with examples of those who, after marriage, continued to make wisdom their pursuit, and he dwelt on the pleasures of matrimony to such an extent that Alypius too began to desire the marriage-state, not in the least overcome by any desire for self-indulgence, but from curiosity. For he wanted to know what that could be without which Augustine's life, which to him (Alypius) was such a delight, seemed to Augustine no life, but only pain. The matter of Augustine's marriage was urged forward by his mother, and a maid, two years under the marriageable age, was sued; and, as Augustine liked her, he was willing to wait for her. Girls in Rome, as in India, appear to have actually entered the connubial state immediately they arrived at the age of puberty. It was arranged that about ten friends should live together in common mess—that two of them yearly should as it were hold office, and provide necessaries for the household, the rest having no care. But chumneries of married people were apparently not more successful in Rome than they are now-a-days in India. A certain *nescio quid*—sometimes having its origin in the bazar *hisâb*—eventually mars the harmony of such combinations. "But when," naively\* remarks Augustine, "we began to consider whether our wives would like the arrangement—for we, some of us, were married, and others hoped to be—the whole plan, which we

were so well forming, fell to pieces in our hands, and was dashed to the ground and given up."

In the meanwhile my sins were being multiplied, and the one with whom I had been in the habit of living was torn from my side as an obstacle to my marriage, and my heart, which clung to her, by that wrench was wounded and bleeding. And she returned to Africa, vowing that she would never live with another, leaving with me a natural son by her. . . . Nor was that wound of mine healed, which had been made by the cutting off of the earlier love, but after inflammation and most acute pain, it mortified, and the pain became benumbed, and therefore the more desperate.

Augustine did not, however, wait for his marriage, but lived with another. That the Saint Augustine was so irregular in his amours even as late as his thirtieth year, should be a solace to those who are of opinion that reformation becomes more and more difficult with each succeeding year of life. Augustine frankly tells us that the loose lives (according to Western ideas) of the patriarchs and holy men in the Old Testament, and their unrestrained indulgence of passion, constituted a great stumbling-block, aye more, exercised a pernicious effect on him and many others. This effect may be said to have lasted to the present day. He tells us that nothing could have recalled him from the deep abyss of carnal pleasures, except the fear of death and of future judgment, which through all the changes of his opinions never departed from his breast. Some of his friends became Epicureans, and the teaching of Epicurus would have commended itself to Augustine, had he not believed that the soul existed after death, and received its deserts, which Epicurus would not believe. Epicurus held the soul to be material, and at death to be resolved into its original atoms, and thus to cease to exist. "All good," said he, "and evil consist in feeling, and what is death but the privation of feeling?"

In the seventh book Augustine relates how he was still unable to accept the doctrines of the Church in its entirety. Though convinced of the errors of astrologers, he was yet miserably perplexed about the origin of evil; he derived much profit from the books of the Platonists, which, however, were insufficient to give him true notions about the Incarnation of Christ; but in the end, by means of an unremitting study of the Holy Scriptures, and especially of St. Paul, his doubts were put to an end. It seems to have been owing to his constant and determined study of the Scriptures that Divine things became gradually clearer and clearer to Augustine.

In the eighth book we come to the most memorable part of Augustine's life, namely, his thirty-second year, in which he was entirely changed and turned towards God. He went to consult one Simplicianus, who related to him the conversion of Victorinus. Victorinus was a very learned old man, highly skilled in

all the liberal sciences. In consideration of his excellent discharge of his office, he had even obtained a statue in the Roman forum. Even to an advanced age he continued a worshipper of idols, and a partaker in sacrilegious rites, to which nearly the whole Roman nobility were proudly devoted. All this he had for many years defended with vociferous eloquence ; and yet he became a Christian. Augustine was much struck by this conversion, an incident of which is worth extracting :—

Victorinus said secretly to Simplicianus, and in strict confidence : “ Know that I am already a Christian.” And he answered : “ I will not believe it, neither will I reckon you amongst Christians, unless I see you in the Church of Christ.” But he laughingly replied : “ Do walls then make Christians ?” And this he often repeated that he was already a Christian ; and Simplicianus always made the same reply, and he as often renewed the jest about the “ walls.” For he feared to offend his friends, the proud demon-worshippers, from the top of whose Babylonian dignity, as from the “ Cedars of Libanus,” which the Lord had not yet “ broken,” he thought the whole weight of their enmity would rush down upon him. But after that, by reading and attention, he had derived firmness, and feared to be “ denied by Christ before the holy angels, if he feared to confess Him before men,” and appeared to himself to be guilty of a great offence in being ashamed of the Sacraments of the humility of Thy word, and not being ashamed of the sacrilegious rites of proud demons in which he had partaken, and whose pride he had imitated, he became shameless towards vanity, and shamefaced toward the truth, and suddenly and unexpectedly said to Simplicianus (as he himself told me) : “ Let us go to the Church ; I wish to be made a Christian.” . . . . Finally, when the time arrived for making a profession of his faith (which at Rome, they who are about to approach Thy Grace are accustomed to deliver from an elevated place in the sight of the faithful people, in a set form of words which had been committed to memory), he said, that the priests offered Victorinus to make his confession more privately, as the custom was with some who through bashfulness dreaded it ; but he preferred to make confession unto salvation in the presence of the holy multitude.

Augustine wonders what it is which makes man rejoice more at the salvation of a soul despaired of and rescued from greater peril, than if there had always been hope for him, or the peril had been less. Everywhere the greater the joy, the greater the trouble which preceded it. When the dear one, who has been ill, regains his strength, there is such joy as there was not when he walked sound and strong. The very pleasures also of human life are gained by appointed and pleasurable toil. It is appointed that the betrothed bride should not immediately be given up, lest the husband should value her less, because he had not longed for her for a while first. •

Augustine gives some instances of sudden conversion from reading a particular book. Pontitianus relates how it happened

that one afternoon at Triers, when the Emperor was being entertained with seeing the games of the circus, he and three other companions went for a walk in the gardens which were adjacent to the walls, and as they walked in pairs, one went away with him, and the other two strolled by themselves ; and these in their wanderings made their way into a certain cottage, in which some poor monks dwelt, where they found a book which contained the life of Antony, and began to read it. They became so absorbed in it that, reading on, they there and then resolved to abandon worldly things and lead a monastic life. This St. Antony was an Egyptian monk, who was born in A. D. 251. On hearing Matt. xix. 21, and vi. 37 read, he parted with all his possessions, which were considerable, and gave them to the poor and to his neighbours. He retired into the desert, and is said to have wrought great miracles. Augustine was now in his thirty-third year, and he gives us a graphic account of the struggle that took place in him between the flesh and the spirit. He points out how the mind commands the body, and it instantly obeys ; the mind commands the mind, and is resisted. Whence this monstrous conduct ? It is because the mind does not will with the whole will that what is commanded is not carried out. For the strength of the command is equal to the strength of willing, and the lack of execution to the lack of will. For the will commands that there be a will ; not another, but itself. Therefore, because it does not fully command, that which is commanded is not fully carried out. For, if there were a full will, it would not command it to be, because it would already be. The weakness of Augustine's will was strengthened, and he became entirely converted by an occurrence which he interpreted as a Divine admonition. He was in deep despair one day, and being with his friend Alypius, he stole away so that he might be quite alone, and flung himself down under a fig-tree in a flood of tears and prayer. He was weeping in the bitterest sorrow of his heart, when he heard a voice as of a boy or girl from a neighbouring house, chanting and frequently repeating, " Take, read ; take, read." He interpreted this to be nothing less than a Divine admonition, that he should open the book and read the first chapter he should find. Thus stirred, he returned to where Alypius was sitting ; for there he had laid down the volume of the Apostle when he rose up. He seized it, opened it, and read in silence the passage on which his eyes first fell : " Not in rioting and drunkenness, not in chambering and wantonness, not in strife and enjoying ; but put ye on the Lord Jesus Christ, and make not provision for the flesh in its lusts." He would read no further, nor was there any need for him to do so ; for instantly, when he had finished

the sentence, by a serene light as it were infused into his heart, all the clouds of doubt were dispersed. Soon after this, with Alypius and his natural son Adeodatus, he was baptized. His mother Monica, having witnessed his baptism, died in her fifty-sixth year, Augustine then being thirty-three. His laudatory description of his mother's sweet and holy character is worth perusal.

Mention is made in the seventh chapter of the ninth book of the origin of singing in churches :—

Certainly it was a year, or not much more, since Justina, the mother of the Emperor Valentinian, a boy, persecuted Thy servant Ambrose, on account of her heresy into which she had been seduced by the Arians. The pious people kept watch in the church, ready to die with their bishop, Thy servant. We, cold as yet, through lacking the heat of Thy Spirit, were still stirred by the alarm and commotion of the city. At that time it was instituted that, after the custom of Eastern parts, hymns and psalms should be sung, lest the people should languish with the very weariness of grief ; and from that day to this, the custom has been retained, and is followed by many, indeed by almost all Thy congregations throughout the world.

Having in former books described what he was before he had received the grace of baptism, Augustine examines what he then was at the time he wrote. He points out how the will can be gradually trained, and that we are not able to accomplish certain ends and aims, simply because we do not will enough to make ourselves able. He shows that the only happy life consists in joy in the Truth. The temptations even to the thoroughly converted man are dwelt upon, as gluttony, the charms of perfumes, the pleasures of the ear, the allurements of the eyes, curiosity, pride, vain-glory, self-love, and desire for human praise. The snare of concupiscence lies in wait in the passage from the pain of emptiness to the contentment of fulness :—

What is enough for health is too little for delight. And often it is difficult to determine, whether it be the necessary care of the body which seeks a further supply, or whether the deceptive craving for enjoyment is offering its services. In this uncertainty, the unhappy soul becomes merry, and therein prepares to shelter itself under an excuse, glad that what is sufficient for the moderation of health is not quite evident, so that under the cloak of health it may hide the working of pleasure.

As to the pleasures of the ear, Augustine mentions singing and music in church. He acknowledges the great utility of the practice, though there is a danger of gratifying oneself rather with the singing than with the words sung. Though not pronouncing a decided opinion, he approves rather of the custom of singing in the church, that so, by the delights of the ear, the weaker soul may rise to the affection of devotion.

He finally puts to himself the question, whether it is any good that men should hear his confessions, and answers it in the affirmative :—

For the confessions of my past evils, which “Thou hast forgiven” and “hast covered”—when read and heard, stir up the heart, that it sleep not in despair and say, “I cannot,” but awake to a sweet sense of Thy mercy and of Thy grace, whereby the weak, whoever he be, becomes strong, who by it is made conscious to himself of his own weakness. And it delights the good to hear of the past evils of those who are now freed from them ; not, indeed, that they delight in the evils themselves, but because they have ceased to exist.

The above bare outline is sufficient to indicate that there is much to interest and rivet one’s attention in the writings of the old Divines. “When one is contented,” says Cervantes, “there is no more to be desired ; and when there is no more to be desired, there is an end of it.” How to attain to this desirable state of contentment is the problem to be solved by many an Anglo-Indian ; and the study of suitable books, such as the Confessions of St. Augustine, is no small factor in the solution of the problem. *Nobilitas sola est atque unica virtus* ; and it is impossible to attain to the nobility of goodness without striving to approach, though it be *longo intervallo*, that ideal exemplar, the first true gentleman that ever breathed. This seems to be the only royal road to peace and contentment for the official or non-official exile caged in Mofussil prisons. ’Tis not in mortals to command success ; but it is at least a solace and a comfort to feel that one has put forth one’s best efforts in the struggle to attain it. After all, the greatest and noblest success is the possession of an innocent and quiet mind, and only they who have acquired this priceless treasure can realize the truth of the lines of Richard Lovelace :—

Stone walls do not a prison make,  
Nor iron bars a cage ;  
Minds innocent and quiet take  
That for an hermitage.

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## ART. VIII.—THE TYRANNY OF LAW IN BENGAL.

**M**R. PHILLIPS has lately shewn in the columns of this Review, that the cause of sanitation suffers much from exaggeration of, and over-tenderness for private rights; and he urges that much could be done by Magistrates if they only worked the provisions of the law. He complains of the inaction of Magistrates, and condemns those who are not ready to concentrate their energies in suppressing nuisances, opening obstructed drainage-channels, and generally improving sanitation. In conclusion, he says that everything is in the hands of District Officers. Now, as the writer of this article has been a District Officer for many years, and though having the cause of sanitation much at heart, has not seen his way to work any sanitary reform through the law, he would like to explain why this so. We would venture to suggest that Mr. Phillips has looked at matters too much from a lawyer's point of view, and that District Officers abstain from interfering with conservancy, water-supply, drainage-channels, and such matters for very good reasons. One is, that they are not certain in any given case, whether their action would be beneficial or the reverse. Take for instance, the obstruction and pollution of rivers by the erection of various kinds of fishing apparatus. The matter is often brought to the Magistrate's notice for malicious reasons, and on enquiry it is found that a valuable property will be interfered with, and the amount of public benefit to be gained may be very small. Again, a *khul* is closed for fishing or irrigation purposes. By this means an immense area of country is kept artificially under water, and in a damp and generally water-logged country, presumably harm is done to the public health. But should a Magistrate, with his present undefined knowledge of cause and effect in affairs of drainage, absolutely forbid such storage of water? Failing certainty, or at least the ruling of an authority competent to judge, Magistrates, in our opinion, prudently observe, a masterly inactivity. The High Court, too, as the chief guardian of property, would restrain them. When professional research has determined how *beels* and the beds of old rivers should be dealt with consistently with the interests of both agriculture and the public health, the Magistrate will then step in and enforce the dicta of science. But it would be intolerable if every Magistrate with executive powers could interfere with valuable property to carry out his ideas of sanitation.

But though we absolve our magisterial authorities from all blame, we hold that Government is not free from the charge of neglect in the past, and we can only hope that the Sanitary Board which the Government of India has promised us, will introduce a new department of activity into our administration. The country wants an authority which shall combine law, agriculture, and sanitation. At present the law—through no fault of its own, for law is necessarily conservative—too readily protects the destroyer of the public health, and represses him who would improve it. So also individual rights stand in the way of the application of capital to land. It is in the highest degree probable, that a scientific control of the flood-water of a deltaic country, would immensely increase the agricultural wealth, and that in a way compatible with sanitary conditions. We will grant that the Native system of agriculture is very possibly the best under the *present circumstances*; but the mistake hitherto has been, that attempts have been made only to change the system. What we would advocate is that the *circumstances* should be changed. To live under purely natural conditions is barbarism; to alter and control those conditions, so as to serve the interests of man, is civilisation; and in doing so, not only are man's energies developed and strengthened; but he is inevitably started on the road of progress. At present too much administrative energy is expended on manipulating the existing conditions, and too little from a sanitary-agricultural view on improving and altering them. Let then some of the expensive European agency be withdrawn from the judicial and revenue departments, and be directed to discovering means of improving the physical condition of the people. The educated Native shows little proclivity in this direction; and besides, the circumstances of the country give him little opening. The endless litigation over rights and wrongs neither enriches the people, nor elevates their characters. It rather tends to develop all the evil, to foster the bitter hatred and the petty vanities that flourish so rankly in the East. In fact, litigation is veritably eating out the vitals of the people.

Some time ago an amusing set of letters appeared in the *Englishman* suggesting the establishment of an invention department. The officers were to be paid at most generous rates, and to have the lightest possible work, in order that the edge of their inventive genius should not be blunted. We do not go so far as to endorse this proposition; but we should like to see some of the resources of the country spent on supporting a department whose duties would be *to harmonise law, sanitation, and agricultural progress*. At present they are not in harmony. Law (not justice, remember) overrides everything. Private

property is certainly indispensable to liberty and progress; but it is only so, because man's energies and virtues will not otherwise be called forth. But when the rights of property condemn a people, as a whole, to perpetual poverty, and ever-recurring calamity, they should be so modified as to justify their existence. At present, here in Bengal, the whole energies of the people, and their best intellect are spent in defending and pressing claims of property. Zemindars, whose existence except as paid revenue-collectors is only justified by their serving social and economical purposes, live only to consume the fruits of the earth and to sustain a large body of lawyers by their litigation. Their tenure of property is such, that none can say that a bit of land is his own; he has only an abstract share in it. The ryot, it is true, has in some measure that complete possession and control, which so stir a man's energies; but improvement of property, especially in India, must come from those of large and extended interests, and of educated and enlightened minds. Or if, owing to inherent obstacles this is impossible, the State should step in and resume, where necessary, the rights of property. An enlightened proprietor will sacrifice minor rights in order to improve his property; but the divided and litigious landowners of Bengal will never do so. It might happen, for instance, that the drainage of an immense basin would yield half as much again grain as at present; but if there are complicated rights of fishing involved, worth perhaps something infinitesimal, over which claimants will spend all their substance, the improvement cannot be undertaken. Stagnation of all enterprise and energy except in litigation is the consequence. The Native system of joint property is, of course, a kind of communism; and our socialist friends in Europe and America would do well to study the result of communism here, before striving to introduce it in their own countries. If they could eliminate the evil from man's nature, they would succeed. But these enthusiasts believe in the perfectibility of human nature, when individual rights, and with them individuality itself, have been suppressed. Well, the upper classes here are more or less communistic; but with the loss of their individuality, they certainly have not managed to rid themselves of the worst vices of man. On the contrary, while their energies and self-reliance have withered, hatred and malice (even amongst those who are nearest and should be dearest) flourish in full force. Brother fights with brother, and father with son. Jointly they may own many broad acres; but the separate ownership of a doorway, a waterspout, or a back-entrance will furnish a "*causa teterrima belli*" sufficient to ruin all parties.

But we have somewhat digressed. To return to our argument:

Whether for good or bad, the ownership of property is most complicated, and every owner is hedged about with the rights of his co-sharers. To maintain his interest at all is often most difficult, and for him to spend money on improvement would either be to give his substance to others, or to court ruin by litigation. Men's natures soon become subdued to their environment, and so it has been in Bengal. A dire necessity condemns every man to accept his surrounding physical circumstances. The young ward of Government, educated with English ideas, enters upon his property with every desire to act up to the principles he has been taught. But he is practically bound hand and foot. If he attempts anything, he is soon struggling helpless in the meshes of the law. He has the whole intellect of the country, and, I am afraid, its sympathy too, arrayed against him. It may be therefore said that here essentially the people exist for the law, and not the law for the people. Private rights have indeed become public wrongs. The common weal is unknown ; and instead of everyone being for it, everyone's hand is against it. But it may be urged that District Boards and Municipalities represent the common weal : and so they do ; but, owing to the want of organisation and knowledge, their powers for good are most limited, and in the meantime the law is made an engine of oppression on behalf of private rights. The Boards and Municipalities want to be strengthened and, advised by trained administrators. Moreover the State requires to be represented as the Lord Paramount, interested in the agricultural and sanitary condition of the country. Such, we understand, it will be by the new Central Board as regards sanitation. But why should not the development of the agricultural resources of the country be also committed to the latter's charge ? At present, if a particular area urgently requires irrigation, drainage, an embankment, the storage of rainfall, or a supply of drinking water, whose business is it to enquire and consider ? The ordinary officers of the Public Works Department are the only agency available. They have every conceivable kind of engineering duty, and it is no imputation on them to say that they have given very little study to engineering matters affecting agriculture and sanitation. True there is a law providing for such agricultural improvements as we contemplate ; but where is the agency to work it, and how can a body of proprietors, each of whom is jealous of the others, put forth any effort to carry forward an undertaking of the kind ? As we have said, each must be constantly on the watch against the other. To those who know Native society the absurdity of expecting combination for any works of improvement is readily apparent. The development of the resources of the country, therefore, like the improvement of sanitation, must

be a public and not a private concern. In America and some European countries it may be left to private\* enterprise ; but here, chiefly owing to the oppressive working of the law, no private person can enter on any course which runs counter to the conservative instincts of Native society. The State consequently must actively interfere. In sanitary matters the public should be professionally represented in each district, and the same agency could be utilised in agricultural improvements. Where it is found that private rights completely bar the way, the legislature should be invoked. But generally the law is good, and the various Boards and Municipalities could with proper advice and control achieve much. Is it unreasonable to suppose, first, that professional men could in each district discover means to improve sanitation and benefit agriculture ; next, that capital could, by the State at least, be profitably invested ? Would it not be worthwhile for some experiments to be made in draining *beels*, and storing up water-supply ? When experience had been gained, the rights of numerous shareholders might be bought up, and improvements carried out by the State, the District Board, a Company, or other means, and the property then re-conveyed to private owners. To give an instance of the direction in which the new department might work : ryots often complain that a zemindar or planter is closing a *khal*, and so preventing the silt-laden flood-water coming to their fields. At present the Magistrate can do nothing.† It is a matter for the Civil Court to decide ; and there the decision will turn, not on the question whether a vast plain of many square miles will be benefited, but with whom lies the control of the *khal*. Surely it would be well to have a competent authority to determine questions of such vital importance to the public. It would be possible rapidly to fill up many of these *beels* or morasses if scientific knowledge were directed to the subject ; whereas now, some selfish motive of an individual,—the object perhaps, being to retain a fishery worth a few rupees a year or benefit a particular crop—may retard the improvement of a vast tract of country for centuries. We may mention that disputes and claims of the kind referred to have often been brought to our knowledge.

\* [Witness the successful opposition to the enclosure of commons in England, and that although the Common Law (first limited by the *Charta de Foresta*, 9, Hen. III) was originally against the villagers. In India the Common Law is all in favour of the rights of the villagers.—ED.]

† [We submit that he can do much,—ss. 268, 283, 425, 430, 432, &c., P. C., and s. 143, C. P. C. It is for the Magistrate to decide if an act falls under s. 268 or s. 425. Every case of mischief involves a decision as to whether there has been 'wrongful loss,' *i. e.*, "loss by unlawful means of property to which the person losing it is legally entitled." We do not say that in some cases a person might not subsequently go to the Civil Court. But the issues in the Criminal and Civil Courts would be the same.—ED.]

It is to be remembered that the present state of obstruction of the public good by private rights is a result of the settled order we have introduced. Before our time the agricultural economy was controlled by men of great power and influence, whose interest it was, as it is now only that of the State, that the ryots should thrive and that their lands should be enriched in all possible ways. All over Bengal there are proofs in huge *bunds* and great water-reservoirs, that these feudal barons did, at times, undertake works to increase the yield of agriculture. Of course our own government, with its strong organisation and greater command of science, has carried out public works which utterly dwarf all those of former times. But while the State's beneficence has increased, that of landholders has sadly diminished; the causes are those we have referred to. The landholding class have in consequence been forced into inactivity, the law having paralysed them. Politically this is a misfortune, as when the richest and most powerful part of a nation is condemned to idleness, the people have no leaders. The landlords have been supplanted by the lawyers, who, being naturally the "outs," are intensely radical. The landlords are their prey; and the net result of the intense intellectual study of the colleges and the strife of the law courts, is little more than a steady transfer of property from the old zemindars to successful lawyers. But the educated intellect in no way works to increase the riches of the country. Should the State, through a department, stand forth to defend the public collectively from the selfish instincts of its members individually, and itself start agricultural and sanitary improvements, openings for the exercise of their talents in a productive manner will present themselves to the educated class. The owners of property will also be interested, and can expect the aid of trained administrators in their enterprises. The great want of India is capital, and if a department, by protecting and encouraging enterprises dealing with land, could attract capital, India would advance quicker on the road of civilisation than she is doing now.

A department such as we advocate would require a number of administrators conversant with the law of the country, and a body of engineers whose first work would be to survey the country from a sanitary and agricultural point of view. As far as we are aware, the levels and the drainage areas of different districts are not on record, nor has there ever been any serious consideration of the supply of drinking-water. There are large tracts submerged in the rains, where the population almost die for want of drinking-water in the hot season. Numerous lakes and river-beds would, in other parts, give first-class water, but they are polluted in various ways. Many villages have numerous

tanks, but they have gradually deteriorated from the carelessness and the ignorance of the villagers. The sanitary engineer would here step in and see that these tanks were properly kept. If necessary, the law regarding private tanks used by the public for drinking purposes, might have to be altered. At present, no one but the owner could prevent its pollution.\* But *salus populi suprema lex* is a principle that should be applied to override private rights, when the public health is involved. There would, we are sure, be no difficulty in enlisting Native public opinion in introducing such reforms. The wish to be reformed sanitarily is present, more or less in Native society; and the various Boards would be easily brought to work with the Department.

At the same time, we would not be understood to advocate a further development of the agricultural department as now constituted. The object of that is to collect agricultural statistics, to advise Government with regard to vexed revenue questions, to ameliorate, if possible, the condition of the cultivators by seeing that their legal rights are not infringed, and to introduce any improved methods of cultivation. But it is not within its province, as now defined, to discuss any projects of structural improvement, much less to inaugurate and undertake them, nor has it any staff to do so. The department is not intended to supplement the want of energy, enterprise, and capital, in the Native agricultural world; but its duties are almost limited to dealing with the relations of the cultivator and the rent-receiver. We would have the new department undertake, as far as possible, every duty of a good landlord, *except* the collection of rent. The zemindars or landlords created under the Permanent Settlement, though designed by Lord Cornwallis to be English landlords of the old type, have ended in being little more than oriental tax-gatherers. The authors of the Settlement believed, that, having a permanent interest in the land, the proprietors would proceed to improve their estates in every possible manner by the application of capital and intelligence;—that they would do this, not out of philanthropy, but prompted by enlightened self-interest. The large zemindars, under the old system, were seen to be men of energy and ability, and it was naturally concluded, that their successors under the English Government would be the same. If, as it was naturally assumed, zemindars did so much under a despotic rule and with no security for the enjoyment of the fruits of their labour, what might

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\* [That clearly depends on whether the public have a right to take drinking-water from the tank. If there can be an easement to irrigate from a tank, *à fortiori* there can be an easement to take water from it for domestic purposes.—ED.]

not be expected from them under a firm and just rule, where every right would be respected? But the effects of the joint family system of the Hindus, in suppressing all individual effort, and in obstructing all improvement, had not been calculated on; nor had their litigiousness and want of moderation. Consequently, the only energy generated has been one of litigation, and the improvements contemplated have not been made; and the country remains in its old state of backwardness. No one, we believe, will dispute any one of the following propositions: first, that all over Bengal, as, of course, in all countries, capital and intelligence combined can indefinitely advance the condition of agriculture; secondly, that it was intended by the grant of the Permanent Settlement that the zemindars should be induced to enter upon the path of such improvements; and thirdly, that for various reasons they have not done so. We arrive therefore at the conclusion, that there is work to be done by which the country can be enriched, and the people's lot improved, and that the agency designed to effect this improvement has utterly failed. The question then remains, whether the State is justified in looking complacently on at this failure; or whether another agency should not be substituted. We insist that for causes we have referred to, no good in this direction can be expected from the private owners of land. They are weak and distracted, owing to their social and family systems; and the whole educational force of the country is bent on keeping them so. Moreover, the study and pursuit of the physical sciences, by which alone the intellect can be led to take an interest in material improvement, are foreign to the oriental genius, and especially to the Hindu. This is very noticeable in all the political discussions, which the educated classes are now indulging in. They are talking over the heads of the people. The latter are crying for bread, and they would give them a stone. When those who own the land, and the wealth (such as it is) of the country are unable, from want of energy, enterprise, and power of combination to develop its resources, the hungry, the *non possidentes*, are gravely asserting that they can direct State policy. In our opinion, much of this political agitation is owing to the stagnation of the country in its agricultural affairs. If it could be once started in the path of improvement and the sympathies of the landlords could once be aroused, we should not hear so much of the landless agitators. As it is, the gentlemen of the long robe have immersed all the owners of land in a sea of litigation, where the lawyers are the only pilots, and where they often but play the part of pirates. Litigation is the only engrossing topic of the countryside; and while the wealthy zemindar indulges heavily in it, the poorer ones cannot resist

the temptation of some such excitement. Spirit of moderation and compromise there is none ; and under the influence of the lawyers every quarrel is fomented and every bad passion is stimulated. To them, of course, the utmost assertion of every right, and the resentment of every injury bring power and influence ; but to the country, generally, it means distraction and poverty. Evil can only be cast out by good ; and till the energies and intellectual forces of the country are directed to some more profitable channels, the land-owners will continue to waste their substance in useless quarrels, and the lawyers will aid and abet them. The latter, too, will continue to be political agitators, preaching the highest principles of public morality, but being, at the same time, the greatest curse to their country. Hence, we ask that the State should appoint public officers to study the agricultural and sanitary economy of these vast and rich plains, and should, wherever possible, start works of improvement. To such matters should be attracted some portion of the talent of the educated classes, and every encouragement, help, and protection should be extended to the owners of property, who may be ready to undertake any work of improvement. The litigiousness of co-sharers and neighbours should be openly discouraged ; and the State, in its executive capacity, should stand forth as the protector of individual enterprise, which is now crushed by the tyranny of the law as worked by perverted intellect. As we write this, a Local Board has addressed a letter to the District Board of Jessore, saying that it "has received several applications for cutting kháls in order to preserve the crops of several villages"; and that if it is allowed to take up the work, much good might be done for the welfare of the people at a cost of Rs. 1,000. But it will be our stern duty to point out that the Law does not authorise expenditure for productive works from the District Fund. They can only be undertaken by private parties, who, as we have shown, are paralysed by the litigious spirit of the country. Here would be work for our department, and a means of interesting the educated classes in agricultural improvement ; but under the present régime the State cannot regard such affairs.

We have thus proposed that the new sanitary department should occupy a large sphere of labour, and for it to do so, it would have to be very efficiently manned, and that means the expenditure of money. We therefore feel called upon to propose reductions in other directions, or, in other words, the transfer of energy from where it is superfluous to where it is wanted. Law and order are fully established, and where Native agency can maintain them, it is incumbent on us to substitute that for the more expensive English

one. On the other hand, as we have tried to shadow forth, the English genius is now required to organise the Native mind, so that it may subdue Nature; to give Natives a lead, not only in constructing vast works of engineering, but in discovering how agriculture can be improved by utilising the flood and the rain water; how fever, ague, cholera, and other desolating diseases can be combated, in so far as they are due to bad drainage and bad water-supply; and generally to encourage them in studying cause and effect in the physical world. In our opinion there might with advantage be fewer District Officers and fewer District Superintendents of Police. Not only would their reduction produce a saving in expense, but even greater efficiency might be gained. Much of the work now done by the above officers, especially in the smaller districts, could be done equally well by Natives under European supervision. What is the necessity for keeping European officers,—the Magistrate-Collector sometimes drawing over Rs. 2,000 a month—at such places as Bogra, Maldah, or Khulna. If one Sessions Judge suffices often for two districts, why not one Magistrate, and one Superintendent of Police? There are, we would venture to say, some seven or eight districts where separate district officers could be dispensed with. Such districts could be attached to a neighbouring one, and one good staff could be kept for both. The present arrangement of having a number of small districts, makes no allowance for the great improvements in communication that the last twenty years have seen. The telegraph, the railway, steam-launches, and an accelerated post enable an executive officer to control a much larger area than formerly. At present owing to the skeleton staff in each district, the relief of officers for furlough, leave, or sickness, is very difficult. Moreover, often very junior officers have to be placed in posts of responsibility, where age and experience are absolutely necessary. For instance, very young men are at times placed at the head of the whole police force of a district, and they, too, are brought in from the outside. Now, were the smaller districts abolished as executive charges, and nearly all District Magistrates and District Superintendents furnished with senior assistants, there would be fewer postings of officers, and much more continuity of district management. In some of the unpopular districts at present, the average duration of a Magistrate's or Superintendent's stay is about a year. How is it possible, under these circumstances, for officers to have that knowledge of their subordinates which is so necessary to efficiency? Consequently, promotion among the Native staff is left much to intrigue, chance, and irresponsible upper subordinates. Again, small districts are bad as training-grounds for officers, and abuses easily creep in. It was all very well in

the early days of administration to leave inexperienced officers to themselves. There was then room for display of energy and individuality, times were exciting, and men were allowed to act freely on their own judgment. No distinct lines of policy had been laid down in all the various departments ; but now everything is most minutely defined, and the Calcutta head offices are daily assuming more control. It may also be accepted as an axiom, that head offices will grasp more power as the local officers shew less capacity. The frequent changes, and the frequent inexperience of the district and police officers have certainly deprived the local officers of some of their power. This may be especially seen in the Police Department. The evils of centralisation can only be avoided by having strong local officers ; and they can only be strong, when they have charges large enough to furnish them with valuable experience, and when they are allowed to remain long enough to acquire knowledge and influence. These conditions are not now present, except in a few favoured districts.

Against the proposed absorption, for executive purposes, of most of the small districts, it may be urged that it would give the District Magistrate and the District Superintendent too much to do. It will, of course, be readily allowed that the smaller districts do not supply sufficient high-class work for these officers, and that, in consequence, senior civilians often have to employ themselves in trying criminal cases, that a Native Deputy Magistrate could probably try as well. This, of course, is the proverbial using a razor to cut a stone. But it will be urged, how about the big districts ? It is our experience, gained in several first-class districts, that except where there is a large Court of Wards' estate, the real work of supervision and control is generally light, and it is a great deal the mint, anise, and cummin that consume so much time. It must be remembered that the important departments of excise and income-tax are now very much taken out of the hands of the District Officers. Moreover, crimes of turbulence have much decreased ; and in land disputes the Civil, rather than the Criminal Court is the chosen arena of conflict. At the same time the subordinate Magistracy has much improved, and is, moreover, somewhat controlled by growing public opinion. A District Magistrate's chief work now is the control of the police, and with the Native Press lending itself often to unscrupulous attacks on them, he has to be at times their defender as well as their controller. On the whole, the effect of the Native Press on the administration is good. But while its existence, especially in central and Eastern Bengal, renders less necessary the presence of European officers in out-of-the-way places, both

its severe criticism, and its unscrupulous attacks on public officers, require that the English supervising agency, the *corps d'élite* of the service, should work under the most favourable conditions as to efficiency, and that single officers should, not as now, be left to vegetate and deteriorate in small stations. At some of these the highly educated and costly civilian has to live may be for years, with possibly the society of one other fellow-countryman. If he is fortunate, there may be a third. At such places now the English doctor and engineer are being supplanted by Natives. The Englishman's happy genius for forming clubs, and combining for the supply of meat, ice, and other necessities can, of course, avail him nothing. He is now not only a poorer man than he was, on account of the depreciation of the rupee, but when so placed, has no means of recreation, no society, and cannot get wholesome food. The official at these solitary stations fares much worse than the planter, for the latter can make himself at home, and an Englishman's energy and resources enable him often to do wonders. But the official with no local interests, not knowing whether he will remain a month, a year, or five years, forbidden, of course, to own land, and practically prevented by his duties, from being intimate with any of the non-officials, has a very hard time of it. Is it wonderful if his energies flag, and his moral fibres loosen? No race but the English could stand such a life at all! A man of almost any other race would solve the difficulty by throwing in his lot with the people of the land, and would thereby cease to be one of the civilising race. But though the solitary Englishman seldom does this, he must suffer some deterioration, and the State is so far a loser. Life is thus being made most unnecessarily disagreeable to many English officials, and the service consequently becomes unpopular. We feel sure that Government must soon deal with these difficulties, as the extended employment of Natives is daily rendering them more acute.

In these few pages it has been our endeavour to point out first, that, owing to the reign, or rather tyranny of law, the public good, as represented by sanitation and agricultural progress, is greatly injured; secondly that, under existing circumstances, little improvement can be hoped for, till the public is represented by an authority which can unite law and science, and with them defend public rights against the encroachments of private ones. At present nearly all official energy is directed to protect private rights, which we hold are over-protected.

Finally we would have law and order maintained, and revenue collected by a more modern district organisation,

requiring fewer European officers than the present one; and the organising energy thus set-free, we would utilise in protecting and improving sanitation and agriculture. Our suggestions, we admit, are rather radical; but there are many signs, that a new departure in administration must soon be taken. Our present administrative dress is not fitting well,—too close in some places, and too loose in others. Changes must consequently come; and we have only tried to draw attention to the direction they must take, to meet some of the most pressing wants of the country.

F. H. BARROW, C. S.

## ART. IX.—ROADS IN BENGAL.

**A**N eminent statesman recently said that cheap transport is now a commodity with a market-value. I propose to consider this commodity; what is its importance; to whom it is useful; and how and by whom it can best be supplied. I shall leave on one side questions of railways, canals, steamers, and all other means of transport except ordinary roads. My objects in writing the following few remarks are two: the first to press on readers the importance of the problem; the second to suggest a means of solving it. The former is the chief object. As for the latter, even if I am wrong, it matters little so long as close attention is directed to the subject.

Transport is the carrying of men or goods from one place to another. When Mr. Gladstone spoke of cheap transport as a commodity, he meant labour-saving devices, whereby a smaller amount of labour would be enough to transport the same load between the same points. For cheap transport men are willing to pay, as the old saw has it:

“ Good husbandry payeth,  
“ The cheaper to buy.”

There are two chief ways of cheapening transport, *vis.*, by improving vehicles, and by improving the roads they pass over.

The vehicle and the road depend on one another. Every improvement in the road leads to improvements in vehicles; and, on the other hand, if the road is not improved, neither can the vehicle be. It is improvements in roads and vehicles that cheapen transport.

Cheap transport is a blessing to all. It is useful to traders, who live by moving goods from one place to another; to the people, who themselves like to move about; and to the State, some of whose works, such as famine relief, involve the movement of goods, and some, such as police and justice, involve the movement of persons. We must remember also that not merely for going long distances is cheap transport wanted, but for going short distances also. The only roads which the State has in this country insisted on having kept in proper order are the public roads in municipalities—the roads round the doors of the citizens. Owing to the ways of living in Bengal, public management of local roads is more necessary here than it is in England. While in England there are large domains and farms in the occupation of single persons who can provide for them-

selves such roads as they need, in Bengal multitudes of interests are so mixed up, that the road must pass from holding to holding. Conflicting claims and jealousies spring up; public rights are destroyed by private greed, and so far from improvements being possible, even the small conveniences that exist very often disappear. Again and again in the course of my official experience, I have found the whole community of a neighbourhood ready and willing to subscribe money and give up land for making their roads, but mutual jealousies prevented any one from acting without official help. For want of facilities for moving about, men have difficulty in taking goods to market or bringing them home, taking their cattle to the fields, sending children to school, taking their women to see their friends, bringing in medical aid in time of sickness;—in a word they have not the enjoyment of those conveniences which townspeople have come to look upon as part of their ordinary life. This deserves to be noted, since most of those whose voices are heard in Bengal live in towns, and probably fail to realise the troubles of their brethren in villages. Between the wants there is no wide distinction; but between the ways in which these wants are supplied, there is a very wide distinction. A man must have a house, and a place to work at, before he travels abroad, and consequently nothing can make up to him for neglected roads around his house. People in Burdwan are not satisfied with good roads in Calcutta, nor people in Ranigunj with good roads in Burdwan; nor, let us be well assured, does it console the people who live in many thousands of mofussil villages in the district, to know that if they like to go to Burdwan or Ranigunj, they will see good roads. They would prefer to have roads nearer home—nay, at home.

Now, let us for a moment consider what has been done in this country to supply the wants of trade, of private people, and of the State in respect of cheap transport: I leave out of account everything except roads. Let us take the facts as they are; first, as regards main roads. With few exceptions, being many of them unbridged, and nearly all unmetalled, these are, during the rainy season—that is for four months in the year—impassable, and no aid to cheap transport, thus throwing out of work their corresponding aid, wheeled vehicles, which have to be laid up. Local and village roads again have been neglected. Nine-tenths of them are not looked after at all, and as for the remaining tenth, save that they are preserved from encroachment, and a small sum is occasionally spent in making up a worn out embankment or filling up a deep rut, nothing is done for these by any public authority. This is true of the whole province of Bengal, but especially of the western side where there are few rivers or canals to relieve the roads.

To enumerate all the evils brought about by this state of things would be tedious ; but, as it is sometimes said that a fair-weather road is all that is required for the needs of the people, I will say a few words on that head. The stoppage of road-traffic in the rains has a bad effect on the business of merchants and railway companies. There is a rush of business for a few months before the rains, when the resources of the merchants' offices and of the lines of rail are strained to the utmost ; this is followed by three or four months of idleness, when expenses continue, and there is little to do. Roads, that could be used in the rains, would ease the strain before them, and spread business more evenly over the year.

To the ryot the consequences are even more serious. He has to get rid of his produce by a forced sale almost immediately after harvest, and so accepts a low price. If he is short of supplies in the rains, when supplies cannot be brought in from without, he is at the mercy of the local usurer, and must buy at a monopoly price. The opening out of roads that can be used in the rains would tend to equalise prices of produce. Prices would be higher when the ryot wants to sell, and lower when he wants to buy. They would also enable capitalists from outside to come into competition with the local usurer, and force the latter to content himself with legitimate profits.

In the interests of the State also such roads are necessary. What Government officer has not experienced the difficulty of getting about such a district, for instance, as Hooghly in the rains ? What expense, discomfort, and delay is incurred ! Every officer must remember many a day spent in plunging along through mud knee-deep at the rate of a mile an hour, trying to get to a village where he had to make a local enquiry. In these days of crushing office work, officials can seldom afford to visit the interior in the rains, when travelling is so slow ; and I think we often forget how hard it must be for them to get to us. Justice is made difficult. Again, merchants' business is closed for four months, not because the demand ceases, but because transport has become so costly that the demand cannot be supplied. No trade can be thoroughly satisfactory unless the cost of transport is tolerably even throughout the year ; and we must always remember that the trader does not suffer alone ; his customers also suffer with him.

I will not take up more space on this part of the subject. Many evils remain which the reader can easily picture to himself. But although, to tell the truth, the evil of bad roads is generally recognized, yet, we are told, all that is possible is being done, and further progress is impossible. Road Rates

have been imposed all over the country, and Road Funds have been utilised to the utmost. The poverty of the land forbids the further increase of the Road Funds, and so we must be content with such imperfect means of transport as we have. Is this so? Have we, indeed, come to the end of our resources, and can nothing else be done?

We are very fond in this country of following the lead of England, and especially as regards roads, there is a notion abroad in Bengal that we are in the very latest English fashion. A short account of the road question in England will not, therefore, be out of place here. In early days there were no roads but the parish roads. Every parish looked after its own roads in its own way, and the standard of efficiency was low. Queen Elizabeth and her nobles probably found it easier to ride than to jolt over the rough county roads in coaches, and the great city ladies went to parties in sedan chairs. There was hardly any traffic or moving about. As those who had occasion to travel became impatient of this state of things, and were unwilling any longer to be at the mercy of the parishes, a movement was set on foot, in consequence of which Boards of Trustees were formed, and by bills in Parliament were enabled to take over and keep up certain lines of road, the cost of which was to be recovered from the public by means of a toll. The first road kept up in this way was that leading from Temple Bar to Westminster. The system of turnpike roads—as roads kept up by means of tolls were called—spread, until in England and Wales alone there were over 100,000 miles of them, nearly all of which were, up to within about 30 years since in ordinary use. Now, seeing that 100,000 miles of turnpike roads means in England and Wales nearly 2 miles for every square mile of country, that, besides these main roads, there were many parish roads, and that domains and farms in England are of large size and in compact blocks, we find that the roads kept up out of public funds in England literally came close to the door of every resident in the country. These were all wide roads, metalled and bridged. Meantime canals and railways had been introduced; and what with the great increase to wealth effected by the roads themselves, whereby the rate-payers were enabled to pay higher rates without grudging; and what with the diversion of nearly all the through traffic to railways and canals, whereby the cost of maintaining roads was reduced, and the cost of collecting tolls came to bear an unduly high proportion to the reduced income from them, a change became expedient. A fresh movement was set on foot for making funds derived from rates once more the sole means of maintenance for roads. It was considered that the rate-payers themselves

would be no losers, since they already paid the bulk of the tolls, and far too much of what they paid was thrown away in payment of cost of collection. From the time when this change was made, rate-payers have grumbled at the use made of their roads by non-rate-payers. Although the great bulk of outside traffic went by rail, the small stream that remained was enough to cause a grievance. To remove this grievance an effort was made, first by taxing all carriages, and this year by imposing a rate on all non-agricultural wheeled traffic and horses, to make up to the rate-payers for the extra wear and tear of their roads. No place in England is now more than a mile or two from a railway station or seaport, and consequently a cart or a carriage moves about within a comparatively small circle. The plan of the Chancellor of the Exchequer to assess carts and carriages for the maintenance of roads will lay the burden more evenly on all residents who use the roads, instead of, as hitherto, on only one class among them.

Now as regards the history of the road question in England, there are two points which deserve special notice. The first is the scrupulous care with which the rates on real property were devoted to the roads in the immediate neighbourhood of the land that paid them. Up till very recent years, and virtually to this day, the parish rate, levied and spent within an area of about seven square miles, has been the only one. The second point is that traffic carried on wheels has always had to pay for the use of the roads it passes over. In the words of Mr. Goschen, the principle has been "*that all those who use the roads should pay for them, and pay in proportion to the wear and tear that they cause.*" Originally, when traffic was insignificant, and the only wheeled traffic was that of the land owners and farmers,—payers of rates—and when, the roads being left to take care of themselves, the cost of their maintenance was small, the parish rates covered nearly all the traffic. Later on, when the traffic began to go longer journeys, and roads had to be kept up for its convenience, and when, as it grew, cost of maintenance increased, the traffic which was not local paid its own way, as it does now on railways and canals, by means of tolls. When the toll came to be no longer a profitable means of maintenance, and road traffic came to be once more confined to narrow circles, but trade and moneyed interests increased, and it became unfair that the landed interests, which no longer took the whole, or even the chief use of the roads, should bear the whole burden of them, the Government at first by a rate on carriages only, and now by a rate on all agricultural traffic, endeavoured to lay the burden on agricultural, trading, and moneyed interests in due proportion. There are, it is true, questions in England as to the best

way of applying the principle, but none at all as to its fairness.

By adherence to this principle from the beginning, England has given expansion to her road system, and traffic has always obtained such conveniences as it required. The principle was adopted when the country was poor, and now, when the country is rich, it is adhered to as closely as ever. We see the fruits in railways, canals, harbours, tramways, and a close network of good roads everywhere, both in town and country. Without going into details, I may give a notion of the amount which people in England think it worth while to pay for cheap transport. The amount paid in 1887 to Railway Companies in the United Kingdom was £70,000,000. I have no figures for canals and harbours. The annual cost of roads in Great Britain must be considerable, probably over £3,000,000 for town and country, of which Government granted nearly £800,000 in aid of the rates for 1888-9, and made provision for a still greater sum in the future. All these roads are now strictly local roads in or out of towns. See, too, the enormous outlay that is thought advisable for such schemes as the Manchester ship canal, the Severn tunnel, and the Forth bridge. It is not merely that we have visionaries who see these great works in fits of poetic frenzy—but that capitalists—men with money—are ready to trust their money in the schemes; that they do so, and that nobody is likely to be a penny the worse. The country has the benefit of the work, and those who gave their money to make the work still enjoy the benefits of their money.

Now let us turn to India, with her poverty, and her vast population, some ill-provided, and most not provided at all with proper roads, and ask whether nothing can be done to give her more of that cheap transport which makes wealth. There are many who advocate railways, seeing what railways have done for England, and insist on the opening up of the country in all directions by their means. But we have to consider two things in this connection,—first roads; second, the peculiar position of England.

As regards roads England was, before railways were introduced, provided with a network of roads. As, without the branches and roots, the stem of a tree cannot live and grow, so without roads, railways cannot thrive. If railways are to be made self-supporting (and only on that condition are they possible) we must provide many good roads to feed them—the more the better. Then as regards the position of England: the idea that we can do without anything between rate-supported roads and railways probably arose from want of due consideration of the condition of things there which made

this possible. England is a country where everything is in masses and large volumes. The people are assembled in towns, which means that traffic runs in large streams. The chief industries are not the production of raw material but manufactures and mines. Take the Lancashire cotton trade. Multitudes of workmen are clustered in the busy hives of Manchester and her neighbours. To them are brought from the nearest port the raw material of labour—food, and that of manufacture—cotton; and from the mines fuel. The manufactured cloth is sent back to the port in great masses, and shipped for foreign lands. All this, it will be said, is done without the aid of any road. Railways to the port, and to the mines, and even sidings into the factory enable roads to be dispensed with. Here the analogy of the tree at first sight seems to fail. But trace the cotton and food back to the fields where they were grown, and the manufactured goods out to the villages and houses where they are consumed, and it will be seen that the analogy does not fail. The flood of traffic from the former must trickle many a mile in little rills before it can gather volume, and the great ship-loads of bales have to be broken up and dispersed before they reach the hamlets where they are to be consumed. The railway from the factory to the port is but the stem of a mighty tree whose branches and roots spread out to the cotton and wheat fields and hamlets of the four continents and Australia; its branches and roots are none the less vitally needful to its life because they are hidden away in foreign and distant lands. The producers of raw material, and the consumers of manufactures, generally the same people, are from the nature of their occupation, spread comparatively thinly over the land. The supply of raw material which a neighbourhood can give, and that of manufacturers which it can take, is limited. Although the traffic of many neighbourhoods united may be sufficiently large to support a railway, a gathering and distributing agency in the shape of roads is necessary, and the journey over these roads must often be long in this country, not short, as in England. Even should Indian manufactures and mines be developed as highly as the most sanguine can dream of, the great industry of this country will always be agriculture, and the main market for Indian manufactures will be India herself. Our railways, then, will be employed in conveying raw material and manufactures gathered from, and to be distributed in India herself (not in foreign countries) and to aid them in this work they need long roads of a kind now obsolete in England. Many of those long roads may in time be replaced by railways, but by that time they will have a fringe of other roads spreading out beyond. "We maun

creep ere we gang" says the old Scotch proverb; and if we want railways, we must begin by having plenty of roads.

We should compare India with England, not the rich England of to-day, but the comparatively poor England of the days when, but for the seaports, the land was poor; when inland traffic practically did not exist; when parish rates were light, and the funds not large enough to keep the roads in order. It was out of the question to impose a tax for the benefit of through traffic on the parishes; no compulsion was ever thought of to make them keep their roads in better order than they had a mind to. What was done? Did men fold their hands and sit down resigned to the decrees of providence whereby good roads could not be had unless money was forthcoming, and murmuring at the common law of England which guarded the freedom and pockets of the parishes? No: they faced and overcame the difficulty. It was all a question of what Sir F. Bramwell would call the "next to nothings:" I wish to take my goods or passengers from this point to that, but I find it is a costly business. The road is broken, narrow, and soft; there are nasty crossings; I lose time; my horse is apt to get strained; one of these trips too often involves an after visit to the coach-builder or wheel-wright; and I cannot think of carrying so heavy a load as I could if the road were better. I have been to the parish authorities and they have answered that the roads are good enough for them, and that any how they do not see the good of mending up their roads only to be worn down again by the traffic from outside, to which they can foresee no limit. Now, although the cost of such a road as I want, wide, with a hard surface, easy gradients, and good bridges, is far too great for me alone to meet out of the next-to-nothing it will save me on each trip, there are many others with precisely the same want as myself, and our common want may be supplied by joint contributions. Now, although none of us are able to made the road, it is well worth our whole to *hire* it. When there is a sufficient effective demand for a commodity to make its sale or hire remunerative, there are always ready those who will supply it; and thus arose turnpike roads, which were provided by regularly constituted authorities for hire to the public. The hire of a fixed means of transport is called *toll*. The word *toll* has fallen into disrepute because it is not always used in the same sense. In one sense, viz., that it is a payment for leave to pass, a toll is objectionable; in another, when it means the payment of hire for use, it is quite innocent. There is no reason why roads should not be kept for hire just as much as carts or carriages, and this was done in England. As a result

we see England enriched first, with a net-work of good roads, and secondly, with the canals, railways and great public works which sprang out of them, and all of which live by hire.

Why cannot we do the same in India? The English principle is in strict harmony with human nature, and may be applied with confidence wherever human affairs have to be dealt with. The man who most bitterly resents even a trifling sum of money being forcibly taken from him for use on objects not of his own choice, may be willing enough to spend freely on his own account for the supply of his own needs, or even to give something away of his own free will on charity. The rate-payers in England always successfully retained their own rates for use on their own parish roads, which were looked upon as the private property, if not of individuals, at least of the parish rate-payers as a body. When local trading and moneyed interests grew up, the landed interests insisted on their taking their share of the cost of local roads. We have forgotten all that here. The payers of rates on land alone have been called on to pay for keeping up roads; their own private local roads have been neglected, and the rates which ought to have gone to pay for them have been swept into a common fund, with which an attempt is being made to make and keep up main roads for the free use of all comers.

The single exception to this state of things but accentuates the grievance. The richest and most populous parts of the country have been railed off, dubbed municipalities, and exempted from the contributions to the common fund which the rest of the country has to make. Their rates are kept, as all rates should be kept for the private use of the community, and are supplemented by rates on wheeled traffic. So strongly does Government feel the importance of municipal roads being kept in order, that there is a provision in the law by which, in case the municipal authorities fail to keep them in order, the work is to be done by a Government officer at the expense of the municipality. I remember when I was Chairman of the municipalities in the Serampore Subdivision, we were called on to pay under that provision Rs. 27,000 or so as half the cost of the repair of a single road which, in the opinion of Government, was not in good order. How names deceive! Call a group of villages a municipality and they have immediately pressing need of roads private to themselves. So pressing is the need that not even a fraction of their rates can be spent on roads outside, though their people probably cause wear and tear to those roads which has to be made good by others. But if the magic label be not on the group of villages, their pressing local needs by

a legal fiction vanish. They have to go on paying rates, it is true, but they are lucky if any part of those rates is spent within five miles of them. Now I am not aware of any state of things like this in any justly governed country. In England there is no parallel. The principle which has been faithfully observed, and which has wrought such great results there, would forbid anything of the kind; and it would be difficult to make them believe in England in what an arbitrary way the rural rates are used in this country. I believe the system which has sprung up, of appropriating rural rates for the maintenance of costly main roads without regard to the local rights of rate-payers is all the result of a mistake. The law originally contemplated the *making* only of main roads, and not their *maintenance*. Obviously it would have been quite possible to spend the rate fund justly in the end by allotting it in turn to works for the benefit of the various neighbourhoods; for an original work needs but expenditure once for all, and then is done. Maintenance, especially of roads, on the other hand, is a recurring and growing expense. I say we can conceive of the possibility of carrying through, by successive allotments of the rates in the several neighbourhoods, a series of original works for the benefit of all. This is an awkward, slow, and meagre way of setting about it, but not in itself impossible. As a step in advance, it was probably a very great improvement on anything that had been done before. But there is no possibility of fairness when the rates are permanently mortgaged to endow a few roads only, while the whole country is neglected. I believe the mortgage is illegal and a mistake, and think that it ought to be broken. Every village has as much right to the rates on its own land for its own use when it is outside as when it is inside a municipality. The villagers have plenty of use for the money at home; and if they have not, they ought not to be made to pay it at all. This seems to be the only just and proper view of the question.\*

I think that we have drifted away from the principle under the influence of a sort of helpless feeling that we must go on with what has been begun. "We have made," it was said, "these main roads, and if we let them go to pieces again, all that has been done will have been thrown away. And then what is the

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\* [After the passing of the first Road Cess Act X of 1871, a proclamation was issued in 1873 under instructions from the Duke of Argyll, then Secretary of State for India, stating that "every tax-payer is encouraged and invited to claim that the tax shall be fairly applied to the village roads and local paths or water-channels in which he is interested. The Government will use every effort to see that such local claims are fairly met, and that every tax-payer derives a fair benefit from the tax which he pays."—Ed.]

use of all these village roads without the main roads?" Thus from a feeling that whether it be just or not, this appropriation of the rates for keeping up main roads is expedient, and indeed the only thing to do, we have gone further astray.

This system might be condemned, firstly, because it is unjust, and secondly, because it has failed. I have already explained why it is unjust, and the fact of its failure is a matter of common knowledge. The communities have been deprived of their rates, and the rates have been raised to the maximum, but how far have we got? Of main roads wanted not one mile in ten has been made yet, and there is no prospect of their being made. Of the main roads made, but a small part are kept in a proper state of repair. The fact is that when people and goods begin to move about as they are beginning to do in Bengal, roads for hire are just as necessary for their comfort, and the comfort of the communities through which they pass, as inns, warehouses, carts, and carriages for hire. In England railways are now the public main roads, and are all kept for hire. Main roads were kept for hire so long as they were wanted, but being no longer wanted have dropped out of use. The rate-payers when at home use their own roads: when they move away from home, they hire roads just as they hire everything else. I would strongly urge that this old English principle be restored; that the rates be kept for the use of the rate-payers, and roads wanted for general use be made and kept for hire by those who use them. Two good results would at once follow. The villagers, having their rates for their own use, would spend them on roads, sanitation and other useful works. They would no doubt act as other villages, which have become municipalities, thereby retaining their own rates. They would spend the money on their own local needs. Again, this widespread raising of the standard of local roads would stimulate the demand for good main roads, and the natural result would be an out-flow of capital to supply the demand. The road funds would provide a nucleus, but I think that the merchants and landholders interested would freely advance capital to start new roads, from the hire of which their capital would be repaid, and from the use of which they would gain largely in other ways. There is no fear of people not being able or willing to pay freely for the hire of roads. They pay freely for the hire of railways. Even in these days of small beginnings, the amount paid as hire of railways by the Indian Public in one year (1887) was £18,000,000. They hire carts to get to the railway, and will no doubt be equally ready to hire roads, which are as necessary as carts. I think there will certainly be found many capitalists with sufficient faith in the willingness of the public to pay, that they will spend money in providing the roads

required. The means of collection of toll is a mere question of detail, which can be settled, as it has been in the case of railways, canals, bridges, ferries and harbours.

This, then, is my solution of the problem,—that rates be kept exclusively for the private village roads of small communities, and that such main roads as are needed be provided and kept up for, and by means of hire, or in other words, tolls, just as railways are.

This proposal, if adopted, would admit of a large influx of capital into the business of providing cheap transport, and by stimulating the growth of roads and railways, would greatly encourage trade, and add to the wealth of the community. By the Government in particular, any means by which so desirable a result can be brought about, ought to be welcomed. It would, by increasing the wealth of the people, add vastly to the resources of the State; it would be the best of all famine insurances; as an educating and civilizing agency, roads and railways would throw floods of light into dark places; and they would double the efficiency of all Government officers, rendering more easy intercourse between them and the people under their care.

It may be asked what will have to be done before a trial can be made of this new remedy for an old and pressing evil. There is no need to pass any law, because two laws are already in force\* under which all that is wanted could be done. In case it should be thought advisable to recast the law, that surely may be done at any time. There is no need, however, to wait for the passing of a law. The Government of India could at once delegate to the local Governments† its executive powers, and then nothing but a notification in the *Gazette* would be wanted to set the work going. A beginning should be made, and the sooner the better. Every year we abstain from gathering in for the people this great harvest of wealth, is as if we let a rich harvest of grain die and rot on the ground. What is gone is gone, and we cannot by lamenting get it back, but why should another season be allowed to pass, and another harvest to rot? It would not be necessary for Government to force on a universal system of tolls. It would be sufficient if Government were to declare its policy, and admit and examine proposals deciding as to each on its merits. It would be for those interested to promote their own schemes, and overcome local prejudices where such existed. This is the way in which the turnpike roads and railways were built up in England, and I know no better.

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\* Acts VIII of 1851 and XV of 1864.

† [No delegation seems to be required. Local Governments have the necessary powers under s. 2, Act VIII, 1851.—ED.]

I ought perhaps to say a word or two on the attitude of the people with regard to tolls. Would they object, or would they not? This article has had to do rather with the attitude of Government which has hitherto been unfavourable to the idea. Some seven years ago, when I was a member of the Hooghly Road Cess Committee, and Chairman of the Serampore Branch Committee, the latter Committee received numerous petitions largely signed in favour of metalling a certain road (from Serampore to Shahabhalla) and maintaining it by means of a toll on traffic. Wide publicity was given to these petitions throughout the neighbourhood interested, but not a single murmur of objection was heard. The Branch Committee of which I was Chairman, sent up a proposal in favour of granting the petitions, and I made a motion to that effect in the District Committee. The motion was seconded by my lamented friend Baboo Joykissen Mookerjee and carried unanimously. When it went up to Government, however, it was vetoed without discussion. It is no wish of mine to force works of this sort on unwilling communities; all I desire is, that it shall be made known that if those concerned are willing and can arrange, Government will not stand in the way. No doubt the dread of tolls which many seem to entertain, is partly due to the high scale of tolls allowed by the Act, and the fact that the tolls are to go into a common fund. Now as to these objections, I would urge that high tolls are not necessary; and that each turnpike road should be carried on as a separate business. The money collected on each road should be spent on it. I have heard fear of extortion spoken of. I should think if those who are to run the risk make up their minds to face it, others need not interfere to protect them. Once again I would insist that the question of tolls is one not of principle but of expediency. They may answer in one place, and not in another. If it be once known that Government is willing to entertain schemes on their merits, that will in itself be a great stimulus to progress. The first schemes to be taken up should be such as will enable existing main roads, that now absorb heavy annual sums for maintenance, to support themselves for the future. This would set free at one stroke very large sums for use on their proper work. I think also that the Government would do well to put pressure on Road Committees at once to take steps for relieving their funds of these heavy charges for repair, as such charges, I submit, are a standing injustice to the great body of rate-payers. I think it will be admitted that this suggestion is simple, is just, involves no expenditure on the part of any one, and yet will increase enormously, and at once, the effective power of our funds. I refrain from entering into any discussion of minor questions.

Such discussion is fruitless until this great question of funds\* is settled, and if it be satisfactorily settled, all minor details will settle themselves.

R. CARSTAIRS, C. S.

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\* [In every district the cry is the same : "We are crippled for want of funds." Many roads get no allotments at all, and others, merely nominal sums. When tolls are levied on railways, rivers, and canals, there seems no reason why they should not be levied on roads. The public will have to choose between increased local taxation or tolls. The benefit of tolls is, that those who use the roads pay for them, and that in proportion to the extent to which they use them. Government would do well to see that tolls are no where levied by Zemindars, as such levy is illegal. Reg. IX. of 1825, s. 9: also Reg. XI. of 1825, s. 5: Act VIII of 1851, s. 6. It has been held both by the Advocates General of Bengal and Bombay, that the opening of a bridge with a foot-way by a Railway Company, subject to payment of toll, is a usurpation of a royal prerogative.—ED.]

## ART. X.—THE NATIONAL CONGRESS MOVEMENT.

THE direct purpose of this article is to examine the development, up to its present phase, of the Indian National Congress movement ; to forecast, if possible, the next phase on which it may be expected to enter ; and to consider, in view of the facts thus arrived at, its relations to the general administration of the Empire. So far as possible, what may be called questions of political ethics will be shunned. Dissertations on the relative virtues or capacities of different sections of the Indian community will not be introduced ; although what lawyers term judicial notice may occur of matters of this kind which rest on history. A thesis on the comparative advantages and disadvantages of any particular form of Government, much more a eulogy or a diatribe on the character of the existing Government of India, is not within the scope of treatment intended.

If the writer has a political creed—and he trusts he may not be taken for a political agnostic,—he hopes to keep it in abeyance, as it were, until the task of diagnosis is completed.

It is natural to turn to the promoters of the movement itself for an explanation of their aims. No apology, therefore, is required for inserting in this place the subjoined extract from the latest exposition of its propaganda, in a letter, dated the 13th of October 1888, from Mr. Hume, General Secretary to the Indian National Congress, to Sir Auckland Colvin, and published in the *Pioneer* newspaper on the 7th November :—

But if we could once make the English nation at home (who have none of the prejudices on these matters that Europeans who have lived long out here so often insensibly contract), understand that we are no longer all of us children ; that, thanks to their education, numbers of us now are quite fitted by our superior local knowledge, not only to fill a great majority of the posts now held by Europeans and discharge the duties thereof far more satisfactorily than these, by reason of being foreigners, possibly can, but even to instruct and advise in most matters of domestic administration, they would at once, through their "Representatives," insist upon our association in the work of governing the country on a much larger scale than at present, and on the concession to us of some form of 'Representative Institutions.' To many of the best and highest of them the fact that the Government of India is still what they so greatly dislike, *viz.*, 'Despotic,' is a source of real regret, and they would gladly accept any reasonable evidence that the continuance of such a system was no longer necessary. Besides this, even those who are less liberal and less high-minded are sensible. Practical commonsense is the leading characteristic of the British nation ; they know perfectly well that it is better to

rule a contented than a discontented people, and one of their own holy texts says, that a dinner of herbs where peace is, is better than the grandest banquet where there is strife, and if once they saw us all, high and low, banded together and determined to obtain these 'Representative Institutions,' then they have too much common sense not to allow us to have them. (*Conversation.*)

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*Rambaksh* :—But surely you don't want us to join together and fight with the Sirkar? If we killed all the Europeans, how should we get along. All would be anarchy (*ghader*) as I remember when I was young. You cannot mean this.

*Maulvi Fariduddin* :—God forbid! This would be a sin. Why should we kill the poor Europeans? Many of them are really good men, most of them *mean* at any rate to do right. They are ignorant no doubt of the rights of most matters concerning us; they blunder, they cause us misery, but they do it from ignorance—from an ignorance unavoidable under the system which they work on, and which, even did they wish it, they could not change without our help. Besides, though we of the new generation are growing up able to assist them and do much for the country, the whole of us put together have not yet sufficient experience and self-reliance to manage the administration entirely without their help. Kill the Europeans? No *Rambaksh*, let us say, rather, God bless all of them (and there are many such who feel kindly towards us in their hearts, and according to their lights mean well towards us, and God forgive those amongst them, (and let us hope they are *not* many) who dislike and despise us, and care nothing what becomes of us." —(*Conversation.*)

The next quotation for which the readers indulgence is craved, is required to put the avowed teaching of Mr. Hume's associates in such a light, that they need not be mistaken by the veriest tyro in modern politics. They could be construed in only one sense by the 200 millions of Native Indians to whom they have been deliberately and sedulously addressed and circulated :—

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*Rambaksh (after some consideration)* :—Weil, there is our good Queen-Empress; she never comes here certainly, and we never see her; and I hear the people in Hakikatabad sent her a petition last year, and they do say nearly a lakh of people signed it, but she never took any notice of it. But they say she is so busy there over in Vallayat (England) and has so many countries elsewhere belonging to her, that she has no time to attend to us Indians. And when I come to think of it—may God long preserve her, but I don't know that it does signify much, *to us, who* sits upon the Gaddi (Throne) over there in Vallayat—I must say that this is all rather like Raja Harbansrai's *dustur*.

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*Maulvi Farid-ud-din* :—And then look at all the *Naiibs* and *Gomashtushs* she sends. Are they not like Raja Harbansrai's? Very respectable men, no doubt; they don't take bribes, they don't, certainly, try to injure us, but what do they know of us and our real wants? Don't they pooh-pooh our old customs, and, *har ki amad* (each who comes) insist on introducing some new-fangled device for improving the condition of the country which, not unfrequently, ends in doing it harm? Do they consult us? Do they ever *really* talk over *anything* with us? Do they take care to see

that we approve, agree to everything, nay, to *anything* they see fit to do? Is it not with them as with you Kambakhtpur Nairs? *What do you know, you cattle-folk? Hold your tongues. Do this. Don't do this.*" Is this like the Constitutional management of Shamshpur, or like the 'DESPOTIC' of Kambakhtpur?

*Rambaksh*:—Ah, Maulvi Sahab, you are a learned man, but I see now what you mean, and I suppose our Government is what you call a 'DESPOTIC' one, and that, perhaps, is why the whole country now is discontented (it never was so when I was a boy), why everything seems, from all I hear, to be going wrong, and why the Government *jama* is always being raised, and with it our rents, and new taxes are imposed, and \* \* \*

*Maulvi Farid ud din*:—Yes, certainly, our Government is a 'DESPOTIC' one, and a 'DESPOTIC' Government is always, when long continued, bad for every country, and we in our country are suffering in a hundred ways on this very account. But don't think I am speaking evil of *our Governors*. . . . . What I condemn and protest against is the system; it is against the system (*dustur*) of the Government, not against the gentlemen who carry on the Government [and who are as much tied down by the system (*dustur*) as ourselves] that I complain.

The Congress then is something more than a Political Club. It is a Revolutionary League; and it needs no more than a reference to the history of similar leagues in other times and places to perceive, that if thwarted by any action of the established power in India, or the determination of the ultimate governing body in England, a certain section of what Mr. Hume has designated as the Congress Party, would, if they dared, endeavour to push their aims, by an appeal to that physical force which they pretend to represent. This force the literature, to which the above extracts belong, is designed to attract to the side of those with whose approval it is disseminated.

On the 4th November last one Ali Bhimji, a busy and acknowledged tool of the Congress, is reported as having spoken to the following effect at a public meeting convened at Lahore for Congress purposes:—

There are a set of despicable and unworthy people, whom I call traitors to the Government as well as to the country, who are most inveterate enemies of the Congress. The objections raised by the natives against the National Congress are mere matters of policy and nothing more. Remember these words very well, and if anyone says anything, or even insinuates in any way against the Congress, call him a liar to his teeth and say he is a traitor.

It is obvious that an agitation is on foot which may, in certain events, lead to the most serious consequences to the Government of the country, and to the people of the country themselves, consequences so serious that it is better not to dwell upon them here, while earnestly hoping that the worst of them may be averted.

The Government has been directly challenged to say what its policy, in the face of this agitation, is to be.

An open boast has been made of the alleged approval and sympathy of the Governor of Madras and the Viceroy personally ; \* and the Governor of Bombay, in a minute, has expressly promised, for what it may be worth, his distinguished patronage. On the other hand, the Lieutenant Governor of the North-Western Provinces and Oudh has expressed his conviction, as a statesman versed in other than purely Indian ways, that the Congress and its latest works are opposed alike to the Government as it stands, and to the good of the people for whom its advocates profess to labour.

It is not the ambition of this Review any more than it is,—*pace* their mouth-pieces,—the duty of the Congress-people to educate the authorities into any particular frame of mind in the matter, much less to tender any ill-mannered shock to that masterly repose, the Olympic Nirvana, which affords so tempting a refuge for distressed rulers, beset on the one hand between the latest flight of spirits that has alit in the Tabernacle, newly swept, as Mr. Hume pathetically urges, of all previous tenants, and the deep sea of Party Politics in England on the other. But it is the inalienable right of every loyal British citizen to speak out, when danger to the commonweal is in view, and the next phase of the agitation described above, however plausible the external shape it may assume, must, at its core, contain the elements of wide-spreading mischief.

Some of the practical questions involved already call for a solution ; for example, whether the privilege of members of the council for making laws for the province of Oudh shall extend to flagrant breaches of the laws that exist, and to the incitement—for such are the reported utterances of the Hon'ble Pandit Ajudhianath—of individual subjects to disobey and resist the mandates of constituted authority.

The course of the Supreme Government must obviously rest on considerations, in which the welfare of the country at large will be held as of paramount importance. The adherents of this movement include, no doubt, a vast number of persons of very varying shades of intelligence, education, and decision of character. Among them may be found Indians, perhaps, of every shade and hue of loyalty, from the ambitious official who dreams of a royal road to sudden preferment, to the stern philosopher that would not palter with the Mammon of the West, at least till purified by contact with the quintessence of the worshipped Cow. It is manifest that the latest Congress phenomena cannot be attributed to any catholic sentiment ruling the breasts of the tens of thousands of half-educated persons, who were induced,

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\* [This article was of course written before Lord Dufferin's speech at the St. Andrew's dinner. — ED.]

in the first instance, to pledge themselves to, they knew not what, of good and beautiful in the future of their country.

Among Bengalis themselves the feeling is growing plainly, that with the viands put upon the table at the national banquet, some very doubtful concoctions have been introduced by the head purveyors. When "Mr." Bhimji invited his audience to hurl defiance at their European neighbours, a well known and respected member of the Lahore bar, by birth a Bengali, rose to order with a promptness which the reporter's notes but feebly indicate—and the warlike Bhimji, like the Lord of Brougham and Vaux, was left alone with his raucous utterances.

The tares, in sooth, that shew at last so glaringly among the wheat, betray their origin to any skilled observer, by their unmistakable features. All the abuse, all the distortions of view, all the clumsy attempts to leash together the passions and prejudices of antagonistic classes, all the mournings over a golden age, and sighings for a just departed rule, all these black pictures of the husbandman's lot, and hollow prophecies of a softer future,—the whole budget of lies, in short,—is stale and flat, but ominously familiar.

The fortune-teller's pack is not even new; his cards are marked with grisly stains of treachery, revolt, and ruin.

In dealing, therefore, with the Congress question as a whole, the Statesman may have sympathy and pity to bestow on those well-meaning persons, who find themselves now, to their embarrassment no doubt, committed to an open programme of sedition against the Power on which, in many cases, they depend for their daily bread. Yet he will not be diverted from those measures, which experience may point out as required to check the treasonable plottings of the clique that have steered the Congress scallop into these perilous waters, and to restore the general tone of that section of the community, which when the political weather is fine, is prone to walk abroad in the borrowed plumes of a cheap democracy.

There is no particular difficulty in finding the real authors of the late attempts, so far at least, as inquiry need extend for the present.

The same irreconcilable class, that from time to time has hampered the progress of the country, which in spite of that veneer of Western teaching that it knows so speciously to assume, has learned nothing of true Western culture, has forgotten naught of true Barbarian perfidy, which sucked the lifeblood of Mogul Provinces, and drained the lees of Mahratta rapin,—which crouching by the throne of each new Conqueror or Robber, was yet as much the master of its masters, as the slave that whispered in the ear of the triumphant Roman,—that once all-powerful guild, that toiled not neither did it spin,—too proud to dig, but

not ashamed to snatch from the poorest toiler his last rag, in the name of a God, in whom the harpy did not even feign belief,—that marvellous realization, in a living society, of those social Nightmares that haunted the visions of the Attic sage,—has met its match but once in all the centuries since Menu first evolved his pious fraud, in the civilizing forces, still peacefully at work, under the broad shade of the British Empire in India.

Of such a type, a Muse, for whom true liberty was more than life itself, has sung—

“ He seemed

For dignity composed and high exploit.

But all was false and hollow ; though his tongue

Dropt Manna and could make the worse appear

The better reason, to perplex and dash

Maturest counsels. For his thoughts were low,

To vice industrious but to nobler deeds,

Timorous and slothful. Yet he pleased the ear.”

There is something that almost moves compassion in the ant-like efforts of the Brahminical instinct to repair the inroads made on its devious labyrinths by the relentless advance of Western influences. The ingenuity and perseverance displayed in turning to account the very fragments from the crumbling fortress of artifice and superstition, would, in a better cause, deserve praise and encouragement.

The extension of the Arya Samaj in Upper India no sooner threatened to draw so many dissatisfied spirits from the orthodox ranks, that further defections towards Christianity on the one hand or Islam on the other, seemed only a question of time, than the ultramontane party (to borrow a not unfit comparison) in Bengal and Behar took alarm and action.

Agents were despatched to the head-quarters of the growing heresy in the Punjab and Upper Provinces, whose instructions soon shewed themselves in the conversion of the bulk of the Arya Societies into lodges of a reactionary association, pledged in many cases, through their office-bearers, to acts of boycotting, resistance to lawful authority, and provocation to disturbance.

An obscene libel on the Musulman religion was published by an Oudh Pandit under the auspices of a secret society, forming an inner ring to the lodges already mentioned ; and similar attacks, though less overtly, appeared on those professing, and particularly on those engaged in teaching, the Christian faith in India.

This inner ring, it is believed, had one of its centres in the North-Western Provinces.

Official information, if it exists, is rightly inaccessible ; but from other sources it is inferred that this organization had raised considerable sums of money, and was in corres-

pondence with certain disaffected Musulmans, chiefly Shias; and mostly followers of the ruined fortunes of the houses of Lucknow and Delhi.

Its plans were seemingly unripe, though a great meeting of Delegates is said to have been planned for the Dasera season of 1881, when the precocious zeal of certain reformers at Multan precipitated matters in such a way, as to force Lord Ripon's Government, sorely against its will; to authorize such steps, as effectually damped, for the time, the ardour of what may be called the lay and serving brethren, the hewers of wood, and earners of blows, concerned.

In 1882 a meeting was, apparently, held at Patna between certain extreme members of the Hindu party and a few irrepressible sectaries of the rival creed, from which may be dated the birth of the idea of combined resistance to the English Executive.

From this period also the adoption of quasi-constitutional methods may be reckoned; though the obscurity in which the heads of the League, for reasons best known to themselves, have thought fit to envelope the rise of their now fully developed organization, leaves these important details of contemporary history too much in shadow.

In 1883, while public feeling was heated by sundry controversies, to a pitch unknown for many years throughout the country, an incident occurred, which at one time threatened to prove as handy a lever for the letting loose of fiends, as any of the monstrous tales that had gulled a more credulous generation to the commission of the foulest crimes, and involved it in subsequent and heavy retribution.

Mr. Justice Norris, of the Calcutta High Court, thought proper to cause a certain idol to appear, or to be produced, before him. From this spark the reactionary caucus in Bengal strove to light a torch that should kindle a devouring flame throughout the length and breadth of India. Meetings were held in almost every large town, at which Hindus and Musulmans, and even Christians, were present. At these, speeches were delivered and resolutions passed of various degrees of relevancy and coherency, but in almost every case of a palpably seditious tenor.

A significant fact as regards these meetings is, that while those who partook in them, (all, or nearly all of the literate class, and half of them perhaps in Government employ,) were in daily contact with European action, European thought, and the steadfast policy of strict impartiality as to creeds pursued, as every villager knows, by the British Power, yet not one for a moment stopped to sift the preposterous stories poured in his tingling ears by nameless emissaries. The

preacher came, moreover, as often as not, in the guise of a half-naked mendicant, speaking the languages of Northern India as badly as any average Englishman, and an utter stranger in custom and ideas to the mass of his audience.

It is none the less certain that the baseless fabric of suspicion and panic which those visitants made it their business to evoke, was too often successfully, if temporarily, created.

The causes of such a state of things are eminently pertinent to Congress questions at large, and may be conveniently stated here accordingly.

In the first place the number of Indians, whether educated in the current acceptance of the term, or otherwise, who have arrived at any conception of Government in the English sense of the word at all, is very trifling. Much less can they place before their minds, or rather their imaginations,—for it is the imagination first, and not reflection, that is called into play, when the typical oriental is subjected to any forcible impression from without—the idea of a dominating or consistent policy in the direction of affairs of State.

The books which ought in Indian Schools to teach the alphabet of politics in a suitable form, are either above the heads of their readers, or else convey a most erroneous notion of the facts with which they pretend to deal. This is not the place in which to ask where the blame for such a result should fall; and in any case the Department of Public Instruction in India is likely to be placed, at no distant day, before the bar of an awakened public.

Meantime the East has a copious literature of its own, which abounds with maxims and apophthegms on the conduct and tendencies of Kings and ministers. The King, like other favourites of fate, is normally a fool. If the fate of his subjects be unusually cross, he may be a madman to boot, or at times a Tyrant.

An Eastern tyrant is a bad King, or a mad King, or both in one, who having cast aside the restraints of religion, and still worse, of custom, despitely entreats devout persons and ascetics, and confiscates the revenues and hoards of the holy places.

The average ruler exists to be deceived.

It is the business of his Wazirs to deceive him, of his satellites to allure him;—the liberty of his subjects is in direct proportion to their success in imposing on his royal imbecility and helpless magnificence, and in evading the exactions practised in his name.

If he ever hears the truth, it comes as a revelation from his pet starling, or his pet consort, or the consort's pet cockatoo. The Arabian Nights, the immortal tales of a parrot the Lights of Canopus, nay, the Epic of Kings itself, are vouchers for the truth of this description.

The Princes of the Timurian house elected to write their own memoirs in their own way; and what is the result? Beyond a few scholars, mostly Europeans, no one in modern India ever opens the annals of the Mogul *Coeur-de-lion* (Babcr) or the illustrious Akbar.

In the second place, the bulk of the so-called educated class do not believe that their British Rulers are at heart impartial in matters of religion. It is very well to say that ample proofs of such impartiality have been afforded; but the class in view habitually look—perhaps one should say are only able to look—on the reverse side of the picture.

The third and greatest reason, however, for the marvellous credulity which packed the meetings of 1883, to devour with bated breath the burden of alleged onslaughts by their rulers on the popular cults, lies in the engrained character of those who flocked to hear what, in their saner moods, they would recognize to be blatant and poisonous nonsense.

Any Indian gentleman of average intelligence, if asked to name the chief inherent defects of the community to which he belongs, will usually quote the envy and perverse jealousy which form to-day—schools and colleges apart,—as much the bitter heritage derived through centuries of oppression, as they did 200 years ago. The tendency of those born in happier climes is, if any thing, to repose too ready a confidence, where trust is given or sought respectively; but in the East,—and it must not be forgotten that India, great as she is, is but one among the many daughters of the East,—the reverse is not merely the rule, but is marked by the popular voice as the teaching of experience.

The father who should trust his son; the husband who should trust his wife; the master who believes his servant; the subjects that would put their trust in princes, or the ministers of princes, are alike condemned by the universal canon of tradition from the Dardanelles to the Pacific.

It may seem strange, that men claiming to be “an educated élite,” should fail to distinguish between the imperative duty that abolished human sacrifices on the one hand, and the rash meddling with religious prejudice of an Aurangzeb on the other; yet as matters stand, not only does this confusion of feeling affect thousands of Her Majesty’s subjects, but it has to be reckoned with by Indian Statesmen.

The prime mover in that particular agitation, which has formed a text for this digression, was one Surendronath Banerji, whose antecedents are too well known to call for their rehearsal in these pages. It is this man who is now conspicuous as a Head-Centre in the Congress organization, if indeed he should not be credited with the whole conception of the plan of campaign

To return to the proceedings of the Hindu Renaissance party in the order of time ; the agitation of 1883 produced no visible results, beyond sporadic collisions with the Musulmans in various places. The excitement merged in the general uproar connected with the Ilbert Bill ; and the signs of the times, which that legislative upheaval elicited, were hardly calculated to encourage the hopes of Surendronath and his colleagues.

In 1884 a new turn was given to Hindu zeal, and a new channel provided for Anti-English propaganda and disloyal combination, by the spreading over the country of a net work of societies, ostensibly for restricting, or abolishing, the slaughter of kine, and the consumption of beef by those who are protected by the law of the land in using it. This organization works by boycotting, false prosecutions for theft, intimidation of servants and traders, and by other methods, not of course always so gross, but always more or less secret, if not illegal. A marked feature of its proceedings has been the attempt to enlist a section of the Musulmans, which has succeeded in attaching a few Shias to the movement.

Meanwhile Lord Ripon's Government had been busily engaged in introducing, what was ostentatiously described as a scheme of local self-government. The wildest theories were current in certain circles on the nature and objects of the connected legislation.

There is little doubt that the measures then announced, were expected to produce a much greater amount of change than the result exhibited. But, whatever other effect the proceedings of Lord Ripon, or rather of a *coterie*—partly feminine, partly clerical, but always infallible, of which that highly plastic nobleman was the visible expression,—may have wrought in India, it is certain that from this epoch should be dated two sets of political symptoms of the gravest consequence to the stability of the general Empire : one series includes those open attacks on every thing and every one belonging to the existing administration of India from the Viceroy downwards, which have flooded that section of the Press which represents the classes partly described above. The second factor, which may be said to spring directly from the same period, turns on the decreasing prestige of the District Officer, as the local representative of the Queen-Empress, and of the solid British power behind her throne, without which, indeed, that throne itself would speedily become an archaic symbol.

At the end of 1884 the irony of fate recalled the beneficent Marquis over a financial trouble.

His place, therefore, knew him no more ; but his works, besides the Simla Secretariat pile, survive him.

His successor has had to meet such a wave of reaction

against the governing power, so disorganized a state of the public services, so demoralized a condition of the better disposed elements of Indian society itself, so vast an impetus to malice, prejudice, and overt sedition, as no Viceroy since Lord Canning has had to face. On the crest of this reactionary wave, the natural and inevitable outcome of what had gone before, arrived the first Congress of 1885, held, appropriately, at Calcutta.

The subsequent period has been marked, to a degree unknown for nearly 30 years, by internal disturbance, resistance to the law, faction and tumult. It so happened in 1886, and again in 1887, that there befell a coincidence of the Hindu festival of the Dasarah with the days of mourning for the Grandsons of their Prophet, which call forth, with varying degrees of fervour, the pious enthusiasm of every Indian Muslim.

It would not be difficult to shew in detail the precise relation of the disturbances of 1886 to the recent attitude of a section of the Hindu majority. An instance or two will suffice to remind the reader of what no one has attempted to dispute or even to deny.

At Umballa an organized demonstration to overawe the authorities and interfere with Musulman celebrations of a lawful character, was only prevented from provoking serious bloodshed and disturbances by the promptitude of the local executive. This demonstration was headed by one Murlidhar, a native of Delhi, but a local Pleader, who was one of the Punjab "Delegates" to the Madras Congress, and has given to its propaganda so much of his time and energies, as to have earned from himself the doubtful compliment of being described by the Bengal Press as "one of our best men."

The culminating outrage at Delhi of the same year, was not officially traced, it would seem, to individual culprits; but enough is publicly known to suggest that it was planned and directed, nay, for that matter, paid for by associates of those apostles of representative government who enjoy the confidence of Mr. Bradlaugh, and, to descend to less sublime levels, of Mr. A. O. Hume.

The disturbances in question,—in fact, the whole Congress programme,—had an intimate connexion with trade rivalries, commercial speculations, and mercantile heart burnings, with the recital of which it is not necessary to prolong the present discussion. On the other hand their close affinity with the disloyal spirit of the literate class, of whom the vast majority belong to, the trading guilds or to the ritual castes,—*fruges consumere nati*,—that live as drones in the hive of Hindu money-making, is pointedly illustrated by the incident of that ill-conditioned lad, taught at the public expense, who was recently set on

grossly and wantonly to insult, while on the bench, the Magistrate of an important District.

This boy, at the preceding Dusserrah, had enacted the part of Ramchandra, the special incarnation of his sect.

Saxon energy ; English enterprise, have many enemies all over the globe.

Since the British flag first waved on the wharves of the Hooghly, till, but yesterday, it marked a bound to the Cossack's prowlings by the banks of the Oxus, it has had to brave not merely the tempests of external envy, but the risks and troubles of domestic commotion as well.

The times have changed since an Imperial Freebooter sought to ruin the hard-won commerce of Britain in distant Hindustan,—changed too, since the great Company yielded up its keys, and the memorable struggle of 1857, when many hoped that the elements of discord and rebellion in India had been crushed for ever. So, with the changing times, the policy must change of those whose first duty is to guard the ensign of England's Supremacy, English Honour, and British Civilisation in our greatest Eastern possession.

The troubles that surround their charge at the present day cannot be measured solely, as it were, against the Indian horizon.

The telegraph, the press, the uses of steam, have linked together the foci of peace, of prosperity and commerce, of society itself throughout the world ; the votaries of Sagor and of Jagannath, the sullen and brooding spirits of the East, can join hands with the hirelings, whose deeds, in the name of Irish autonomy, are being dragged, even now, before the eyes of a long-suffering nation ; or graduate in mischief, outrage, nay assassination itself, in the desperate schools of anarchical conspiracy, that skulk in the dens and catacombs of European capitals.

For such contingencies the Government of the day will doubtless hold itself in preparation.

To interfere with the Congress itself, or to attach even those of its members, who are placing themselves in the same relation to manifest crime that certain members of another League are said to have held with nameless ruffians in another country, might be premature in itself, and perhaps abortive. But unless the Government wishes, when perhaps too late, to take arms at last against a sea of troubles, something must be done without delay to assert its authority, and that of its District Officers, on whom the whole fabric of India administration depends, however little it may have been of late the fashion to admit it.

The District Officer should be authorized to make it known

that such tampering with sedition as the Congress covers, will expose those holding emoluments and honours from the British Government, to the prompt withdrawal of these on proof of such complicity as must call for censure from any Government that demands the respect of oriental subjects.

To public servants of the grades most likely to be led astray, it should be frankly, if quietly, explained, that they are free to preach and practice Congress principles at their personal risk, on the condition that they first resign their pay and posts under the State. The relatives of those who take part in the Congress Propaganda should be vigilantly excluded from appointments under that paternal Government, which the responsible heads of their tribe are engaged in vilifying. Finally, the pensions of all persons engaged in spreading palpable sedition should be promptly cancelled, beginning with the grand Mahatma of the League himself, and admitted author of one at least of its slanderous and seditious pamphlets. Press prosecutions for scurrilous libels on the administration at large, and for attacks on Native officials, should no longer require the sanction of the Local Government, but should be permitted, nay, required in cases of sufficient gravity, on the responsibility of the District Officer, judging of the state of his own District.

It should be needless to point out that this involves no new or special legislation. The argument, of course, is ready on the shelf, that power so delegated might not, in every case, be judiciously wielded. It is precisely this, and arguments of the like colour, that have brought us to the present pass. A self-contained authority has withheld too much of its trust from its own responsible and accredited agents, while it lavished confidence and favour on those that shew "as adders fanged" in the light of their public manifestos.

There are other paths into which the subject might diverge.

Nothing has been said of that great body of holders and tillers of the soil to whose loyalty, passive and undemonstrative if you will, so much has hitherto been due, so much must still be trusted. An apology, moreover, is due to those loyal Hindus, whom the writer would be the last to confound with the "tiny knot," to quote a Congress phrase, of selfish and reckless agitators who have plunged the country in its present state of perplexity and excitement.

Apology, too, should be made to those stout opponents of all this tall and empty talk, who bring to the contest a sound guarantee for their acts and motives, seeing that, like Hal o' the Wynd, they fight for their own hand, and care not for odds, at least such odds as Young Bengal can bring against them. How long these sturdy allies of Saxon bluntness and fair

dealing can hold out against the contumely and odium to which they stand hourly exposed, is another question. How long can the loyal Hindus resist the pressure that is being brought to bear, in a hundred ways, on their tenderest susceptibilities? How long will the patient earners of the country's bread retain their passive attitude in the face of what they, according to their lights, can but wonderingly and fearfully interpret? These and kindred problems await Lord Dufferin's successor. Their solution will demand no light measure of skill and patience, but they cannot, except at the possible cost of an Empire, be put smilingly by.

The ringleaders of this incipient treason must be firmly dealt with, if they are not to be allowed to drag thousands of misguided creatures over a Tarpeian precipice of disaster and infamy.

Then, what shall be said of those who do not hesitate, from places of the highest trust, to smile on open lawlessness and insult? Will they not pause and remember *that such acts fall within the statute* 42 Geo. III., c. 85. s. 1, which extends the provisions of 11 and 12 Will. III. c. 12 to every servant of the Queen in public employment abroad. There are friends as well as foes of the Empire in the House of Commons. Should occasion arise, a modern Burke may yet arise, more "terribly in earnest" than even Mr. Hume, who has not yet abandoned his pension on the ground of its having been wrung from the life-blood of the people. What shall we say of those who pose as the sponsors of those that invite the fanatical mob of an Indian Alexandria to tang with all the arguments but one, for and against riot and massacre?

What shall we say of him,—the Imperial Herald,—that has essayed to blazon to his countrymen that vote at home at ease, the virtues of the newest gloss upon ingratitude and envy. Does Sir William Hunter know, can he know, sitting at ease and enjoying his pension in England, the Protean ramifications, the wheels within wheels of the Congress movement? If his gauntlet has not been taken up, it is because it boots not to waste the public time in quenching the sounding brass, the tinkling cymbal, of a hollow clamour.

Quondam hi cornicines et Municipalis arenæ  
Perpetui comites, notaeque per oppida buccæ.

Much indeed remains to say, on a matter which, as the writer feels, has been too briefly handled.

But space forbids.

He would willingly have shewn that only necessity has led to this blunt outline of a present danger.

He would fain have recounted where, in his humble view, there are real grievances to be redressed, reforms that many

members of the sorely tried and much-abused Executive would gladly see initiated.

Yet order must be restored, that progress may be resumed the sooner. The pretence that all's well, the veil of hypocrisy, cannot be too soon rent asunder ; or there will yet be a rude awakening from the Fool's Paradise. The much enduring children of the soil know well enough where their true representation lies : who are the men, that in spite of calumny at home, and wrongs abroad, have not as a class been found wanting, either in genuine knowledge of the people's needs, or the courage of their convictions. If the governing heads will but encourage District Officers to say what they know and what they think, they will find themselves truly in touch with the subject masses. Let there be no more tampering with frank advice loyally tendered.

Let Governments pause before they entrust their consciences to the keeping of those whose talents shine at the expense of their loyalty. The facile tongue, the bold address, the versatile audacity and thought-concealing speech, of which the Celt, for instance, can so often boast, are not the surest marks by which to choose the advisers of provincial cabinets.

The taxpayers of India were not born, any more than the commons of England, for the sport of dabblers in the art of political vivisection.

An Indian thinker of no ordinary weight has justly said, that the tendency of late has been to poise the pyramid of State upon its apex.

Let no time be lost in replacing its natural foundations.

We might spare, perhaps, one or two at least of the many maxims which a wise and eloquent pen has lately quoted. But we should disturb, at our peril, the modest mist that presents to millions of its Indian subjects, the embodiment of a just and peace-maintaining rule.

*Usque adeo nihil est quod nostra infantia cœlum "*  
*Hausit Aventinum, bacâ nutrita Sabina ? "*

There are signs that the current agitation may fall of itself a prey to that moral jaundice with which its frame has been from the first infected.

But the venom that inflates this newest crest of the hydra of pampered discontent will lose none of its force, though it creep back to its native swamps and congenial obscurity. Among the latest and grotesque mutterings of the Congress preachers, there figure sundry bizarre recastings from the studios of the Dilettante School that has done so much to sap the life of modern England. South Kensington has its share to answer for with regard to passing events in India. In the name of Art and Letters many a stone

has been brought to that fane of sweetness and light that has a Naoroji for its Zoroaster.

The booth keepers of Vanity Fair, the parasites of a plutocratic age, are wise enough in their generation to nurse the spawn of an hermaphrodite aesthetician.

Such—and that they exist, let the Deccan witness,—would turn, if they could, the empire that has been painfully built up with the toil and blood of freeborn Englishmen, to a Ruskinian Device or a Projector's Bubble. The way that Indians have of late been treated in England,—the handling of a dearly won possession as if it were a strange and popular toy,—the fussy patronage that at once repels the Oriental Dignitary, and corrupts the Oriental Parvenu, all this has helped to swell the tide that confronts the weary but staunchly loyal servants of the Crown in the daily toil that daily grows more thankless and more bitterly invidious.

The Gospel of Rose-water, or—to speak by the card,—the Evangel of Attar and Pân, has had its day.

The Departments, each in turn, have had their chance, and he that runs may read the writing which they have called forth upon the wall among them.

It is time for the mere administrator to step in.

Else, before long, there will remain one course, and one course only, for the reclamation of India.

Unless the Civil Power is prepared to uphold, with no faltering hand, the dignity and authority of its Executive officers, and to nip patent rebellion in the bud, then all too soon must the Civil Power make way, as was pithily said of late, for the men of Iron.

It is in no rampant Anglo-Saxon attitude, in no alarmist spirit, but in all sober earnestness, and with heartfelt indignation against those who are traitorously eating the salt of Her Majesty the Queen-Empress, that the writer has felt it his duty, as a loyal servant of the Crown, to sound this note of warning, none too premature, none too emphatic. Meanwhile, though the times are somewhat out of joint, it ill becomes the loyal friends of India to despair of a common weal, the helm of which will rest in the grasp of a tried and trusted servant of the Empire.

*Excudent alii spirantia mollius aera  
Credo equidem vivos ducent de marmore vultus  
Orabunt causas melius, coelique meatus  
Describent radio, et surgentia sidera dicent.  
Tu regere imperio populos, Romane, memento ;  
Hæc tibi erunt artes. Pacisque imponere morem,  
Parcere subjectis, et debellare superbos.*

AN INDIAN TAXPAYER.

ART. XI.—AN OUTLINE SKETCH OF THE  
VICEROYALTY OF THE MARQUIS OF DUFFERIN  
AND AVA.

[DECEMBER 1884 TO DECEMBER 1888.]

THE writer is an official and has no desire to criticise freely and boldly, as an independent pressman, the measures and the policy of a departing Viceroy. But it is important at the present juncture that the public and the press (Native and Anglo-Indian) should know exactly what are the measures, and what the results which they have to criticise; and for this purpose it is advisable to place on record a succinct but comprehensive summary of the principal administrative acts, measures, and events of the Viceroyalty of the Marquis of Dufferin and Ava. The Roman satirist advises epic poets to plunge at once in *medias res*, and as the writer has to record a summary of the epic events of a great Empire, he will take this advice.

Bearing our purpose in mind, we will split the administrative record up into six divisions—corresponding to the six great Departments of the Government of India.

*I.—Military and Marine.*

So determined and so rapid has been the advance of Russia in Central Asia, that the Indian Government has been brought into immediate contact with one of the Great European Powers. A sense of safety and security from external dangers is essential to the cultivation of the arts of peace, and to the progress of civilisation. Lord Dufferin has been compelled to act on the adage, '*si vis pacem, para bellum*'; the measures taken for increasing India's military strength and for improving her defences, have been forced upon him; and had he omitted to take such measures, he might well have been blamed for neglecting to safeguard the interests of the Great Empire entrusted to his charge.

The Home Government has been recommended to abolish the Presidential system, and to amalgamate the army in India under the Commander-in-Chief in India. Every British Cavalry Regiment has been increased by a squadron, and every British Infantry Regiment on the Indian establishment by 100 additional rank and file. In addition to this, three battalions of infantry and 11 batteries of artillery have been added to

the British forces in the Indian establishment. At the same time three new regiments of cavalry and nine battalions of infantry have been added to the Native army, which has also received an augmentation of 1,770 artillerymen and 700 sappers and miners. Thus the army in India has been increased by over 19,000 men in addition to 10,000 British soldiers. This increase in numbers is expected to bring about a great increase of efficiency in time of war. An army reserve, which can lawfully be called out, has been formed under Act IV of 1888. Under this system soldiers will not entirely sever their connection with the army; but will retire on reduced rates of pay, still remaining liable to serve on any emergency. Many Native soldiers have lands, and it is for this reason that they often take their discharge after only 5 or 10 years' service. The continuance of a small rate of pay will probably tempt many to remain on in the army. Along with this increased efficiency of the British and Native armies, the troops of the Native Chiefs are being improved, and the Indian Government is supplying them with better guns and rifles. As to the practical outcome, a recent instance is furnished by the despatch of 1,000 men from the Kashmir State to serve in the Black Mountain expedition. Then, very complete arrangements have been made for mobilization. The necessity for mobilization forms one of the recommendations of the Army Organization Commission of 1879. But it was reserved for Lord Dufferin to carry it into effect. A Mobilization Committee was presided over by the Commander-in-Chief in 1886, and the scheme then drawn up provided for the mobilization of two army corps and a reserve division. Every unit of the army now knows what it has to do in time of emergency. Commanders know where to indent, and each department of the army, Ordnance, Medical, Commissariat, Transport, and Veterinary, knows exactly what it will have to provide. Field intelligence, surveys, and military accounts have all been systematised, and even civil departments, such as the Telegraph and Post office, have been brought into harmony with the general system.

Nor have the defences of the Empire been neglected, whether coast, frontier, or internal defences. The works at Aden are drawing near completion, and schemes have been commenced for the defence of Bombay, Karachi, Calcutta, and Rangoon. As regards the defence of the frontier, communications have been improved by the Sind-Peshin Railway, which is being passed through the Amran Range by means of a tunnel; the Bolan line; the Sind-Sagar Railway; the road from Dera Ismail Khan to Khushalgar, and that from Dera Ghazi Khan to Peshin; the road to Kashmir; the bridge over the Sutlej

at Ferozepur, and that over the Chenab at Sher Shah. Among other frontier works may be mentioned the defences of Peshawar, Jumrood, and Attock; the provision of a defensible Serai at Landi Kotal, and the defences of Peshin and Sukkur. Hand in hand with the military defences, submarine defences are being undertaken at the principal ports; and the Indian Marine, which was previously neither under the Naval Discipline Act of 1866 nor the Merchant Shipping Act of 1854, has been placed by Act XIV. of 1887 (the Indian Marine Act) upon a legal basis.

The military events of Lord Dufferin's Viceroyalty have been the campaigns in Burmah, Sikkim, and the Black Mountain. The first was brought about, partly by the diabolical atrocities of Thebaw, which were such as to horrify the civilized world, and partly by the secret intrigues of the French. The capture of Mandalay in November 1885 was a brilliant military achievement. The Sikkim war was necessitated by the aggressions and encroachments of the Thibetans. A signal defeat has been inflicted on the Thibetan Army, which should keep Sikkim free from Thibetan interference in the future. The Indian Government has displayed an unexampled patience and forbearance throughout, so much so that a savage nation like the Thibetans naturally mistook long-sufferingness for timidity, and behaved accordingly. Even now, with the road to Lhasa open before them, the Indian Government is again holding its hand, so as to avoid giving any offence to China. The Chinese Ampa is now on his way to the British frontier to aid in the settlement between India and Thibet. On the North-West frontier the objects of the Black Mountain expedition have been fulfilled. The tribes refused to accept the terms offered, and it was therefore determined to teach them a sharp lesson. The thing was taken in hand in no half-hearted or uncertain manner; and the Akazais, Hasanzais, Tikriwals, and Parari Saiyyads have all submitted; while Maidan and Palosi, the principal strongholds of the Hindustani fanatics, have been destroyed. 300 Afridis of the Khyber were attached to our troops, and did excellent service.

## 2.—*Foreign.*

From Military to Foreign is a natural transition. Here and there the one department overlaps the other, and for the successful operations of the Military Department, a fair share of praise must be accorded to the diplomatist. The heads of both Departments have been in perfect accord, and the foreign portfolio has been, to a great extent, in the hands of the Viceroy himself. The Empire has had the advantage of the ripest diplomatic experience drawn from the great European capitals and elsewhere; and, thanks to that experience, the

barque of the State has been steered through not a few momentous crises safely into port.

The delimitation of the North-West frontier of Afghanistan has been practically completed by Majors Yate and Peacocke. The Russian attack on the Afghans at Panjdeh on the 30th March 1885 threatened to mar the success of the negotiations ; but the Amir, who was then at Rawal Pindi with the Viceroy, declared that he would throw in his lot with the British, and placed himself and his army at our disposal. The departure of a mission to Cabul was prevented by the revolt of Ishak Khan ; but it was inevitable, as the Amir was compelled to go to Turkistan to reconstruct the Government abandoned by Ishak Khan after his defeat at Ghaznighak. Sirdar Ayub Khan was brought to reside in Rawal Pindi in April 1888, and with this event the future of Afghan politics seems to have been entirely placed in our hands.

It is probable that at no previous time have the relations of the Viceroy with the Native States been more intimate and cordial. There are 800 such States, great and small, covering an area of more than one-third of the whole of India ; they are outside the pale of international law ; their interests are identical with those of the British Indian Empire ; and, in return for the peace and security they enjoy, it is their paramount duty to actively co-operate for the furtherance of imperial interests. The British Government is bound to protect them all, and it is its object to see that the peoples of these Native States are as free from tyranny and injustice as the inhabitants of a British district. Interference in the internal affairs of Native States is often a delicate and difficult matter ; but the principle has frequently been laid down that the British Government is itself, in a measure, responsible for misrule and gross abuses in a Native State, and Lord Dufferin has adhered to, and acted on this principle. It would, of course, be unreasonable to hope that the subjects of an Eastern potentate can ever be so lightly taxed, so secure of the fruits of their labour and of their domestic honour, so free from injustice and oppression, as the subjects of a British district. The contrast is strikingly exemplified by the migrations which are constantly taking place from Native States to the adjacent British districts. Still, the divergence tends to become less and less with time, and this is the object which has been aimed at by Lord Dufferin's Government. The magnificent offer made by the Nizam in 1887 is a substantial and striking testimony to the cordial relations between him and the Viceroy, and to his loyalty and devotion to the Queen-Empress. Such relations on the part of the Indian Princes generally were strengthened and cemented by the visit which many of them paid to England at the time of the Jubilee.

### 3.—*Public Works.*

It would be the acme of folly to spend large sums on internal improvements without first safeguarding the Empire from external aggression; and the imperative necessity of doing the latter, has prevented that rapid extension of the railway system which is so desirable. But considering the large sums which it has been found necessary to spend on frontier defences, much has been achieved. Railways, other than military railways, are subdivided into (1) productive railways, or railways constructed for commercial purposes only, and expected to pay 4 per cent. on the capital invested within five years of their being opened for traffic; (2) protective railways, designed to assist in preventing famine; and (3) railways, both protective and productive. The mileage of the former class open for traffic has risen since December 1884 from 7,132 to 7,608 miles, and 753 miles are now under construction; of the second class, there are now 317 miles open as compared with 145 in 1884, while 488 miles are being constructed; and of the third class there are 4,088 miles open, as compared with 2,501 in 1884, and 1,393 more miles are under construction. The Bengal-Nagpur line will shorten the route from Calcutta to Bombay, and open up the wheat-producing districts of the Central Provinces. It will be seen that, apart from the military frontier railways, of which 670 miles have been opened during Lord Dufferin's administration and 211 are now under construction, 2,235 miles of railway have been opened since December 1884.

Passing to irrigation, we find that the outlay was a crore of rupees in each of the years 1885 and 1886, and slightly less in 1887 and 1888. The Swat river, Betwa and Gokak canals, and part of the Chenab river have been opened. A project for diverting the water of the Periyar river in Madras has been sanctioned, and the Western Jumna and Jhelum river canal projects in the Panjab have been recommended to the Secretary of State. The latter will, it is estimated, irrigate 423,360 acres. The area irrigated by all kinds of irrigation works in India was in 1886-87, 7,806,203 acres, or 1,500,000 acres more than in 1879-80.

### 4.—*Finance.*

It will perhaps be fairer to reserve the actual civil administration to the last. Reforms cannot be carried out without increased expenditure; and it is just to give some idea of the financial difficulties with which Lord Dufferin's Government has had to contend. We have first, the continued fall in the value of silver as compared with gold, and, secondly, the increase in the military charges. When Lord Dufferin assumed charge of the Government, the value of the rupee was 1s. 7<sup>2</sup>d.; it is now

rs. 4'5*d.*; it fell in May 1888 to rs. 3'3½*d.* The loss by exchange, which was in 1884-85 Rx 3,351,603 is estimated in 1888-89 at Rx 6,491,000. The military charges proper, which in 1884-85 amounted to Rx 16,963 803, are estimated in 1888-89 at Rx 19,969,000. Thus the gross increase of expenditure between 1884-85 and 1888-89, which has been caused by loss of exchange, and the increase in the military charges combined, would at the existing rate of exchange amount to over Rx. 6,000,000.

In the face of such increased expenditure, Lord Dufferin's Government can hardly be blamed for having imposed an income-tax. The tax is 4 and 5 pies in the rupee, the former rate being imposed on incomes ranging between Rs. 500 and Rs. 2,000 per annum, and the latter on incomes exceeding Rs. 2,000 per annum. This tax has increased the revenue by Rx 800,000, not counting what may be expected from Lower Burma, to which province the tax was extended on the 1st April 1888. The Imperial revenues have also gained Rx 550,000 annually by revision of the Provincial contracts in 1887-88; and the diversion of the Famine Insurance Grant was equivalent to another gain of Rx 1,248,000. But still an equilibrium between receipts and expenditure had not been attained; and in 1888 the salt duty was raised from Rs. 2 to Rs. 2-8-0 a maund in continental India, and from 3 annas to 1 rupee in Burmah. Advantage has also been taken of the marvellous extension of the use of kerosene oil to impose an import duty of 5 per cent. on petroleum. This seems to be a most judicious tax, and, like the salt duty, peculiarly suitable to India. The use of kerosene oil has penetrated to the remotest mofussil villages: and it is so much cheaper than mustard and other oils, that it might bear a duty of 15 per cent. without driving it out of the market, or even materially decreasing its consumption; inasmuch as, though it might be dearer, it would still be cheaper than the mustard oil which the villagers had previously used. The salt duty, it is expected, will bring in an increase of revenue to the extent of Rx 16,00,000, while the petroleum will bring in about Rx 65,000.

One of the most useful measures of Lord Dufferin's Government was the appointment of the Finance Committee, whose report is truly a 'monumentum ære perennius,' testifying to the Herculean labours of its members, and especially of its able and indefatigable president Sir Charles Elliott. Though all the recommendations have not been carried out, yet the facts and figures brought to light by the Committee have put an end to extravagance in all directions, and have initiated an era of very strict economy. The control of the Government over new expenditure is sufficiently effective, but the principal object

of the appointment of the Committee was to bring under review scales of expenditure sanctioned in the past, and to see whether its continuance was absolutely necessary. Those recommendations which have been adopted, have already resulted in an immediate or prospective saving of Rs 177,400 ; and further savings may be anticipated from a consideration of those recommendations which have not yet been finally dealt with. All absolute or comparative sinecures have been marked down, though in many instances vested interests are being respected. For the future the Financial Member will find it an easier task to preserve his adamant attitude. Meanwhile Local Governments bewail their inability to meet local needs, and the only solution of the problem seems to be 'local taxation for local wants.' Still, imperial exigencies are paramount to provincial wants. *Quid dives sine pace Britannica?* It is in consequence of the expenditure above alluded to that the wealthy landlords of Bengal can enjoy their lands, crops, orchards, and fisheries, can live at ease in *pucca dālkāns* and variegated *boitakhānas*, can feast their eyes on *jattras* and *nautches*, and lie them, when they list, to their *bāghān-atchāllās* and other retreats of pleasure. Imperial needs must first be satisfied, and in April last the Secretary of State pointed out the injustice of the existing arrangements by which immunity from financial difficulties is secured to Local Governments, though the Imperial Government may be in the greatest financial straits. When this dispatch was received exchange was at Rs.  $3\frac{3}{4}$   $\frac{1}{2}$  d., and there was a prospect of a further decline in the opium revenue. Proposals have now been made to Local Governments, the final effect of which will be to devolve on them the duty of finding funds, by local taxation or otherwise, for purely local needs, such as education, sanitation, and roads and buildings.

Exchange and the ever-diminishing rupee! This is the nightmare not only of the individual Anglo-Indian toiling for wife and family at home, but of the Indian Government itself. Lord Dufferin has had no matter more at heart ever since he took up the reins of office. The Indian Government has grappled with the Lords of the Treasury, and has, so far as arguments are concerned, won a signal and an easy victory. In February 1886 the Secretary of State was asked to reconsider the question, whether a fixed ratio of exchange between gold and silver could not be established. The result of much correspondence was the appointment, on the 6th September 1886, of the Royal Commission to inquire into the recent changes in the relative values of the precious metals. The Commission has recently presented its report, from which it appears that a majority of its members have recommended the immediate

adoption, by international agreement. of measures which will bring about a stable ratio between gold and silver. Even those members of the Commission who do not endorse this view, attribute the dislocation of the relative values of gold and silver, not to the excessive production of the latter precious metal, but to the discontinuance of the arrangements which existed prior to 1873. That the Indian Government have been strong enough to push this matter home and snatch a signal victory for bimetallism is no doubt due, in some measure, to the fact that they have had at their back a statesman, whose high reputation and name is a synonym for ripe experience in the political world. The adoption of the course recommended by a majority of the Commissioners is only a matter of time. Meanwhile exchange has improved, and the improvement in the opium revenue has been so great that, even including the cost of the Sikkim and Black Mountain expeditions, the Finance Minister anticipates equilibrium between the receipts and expenditure of the current year.

The excise administration is under the Financial Department, and deserves a passing word. In 1887 the Indian Government sent home a remarkably powerful dispatch to the Secretary of State as an answer to complaints both in India and in England that their excise policy was encouraging drinking generally, and with particular reference to the Bombay Presidency. It was conclusively shewn that the agitation had been got up by the drinking classes, who wished to have liquor cheapened, and that the policy of the Government had enhanced the price of liquor, and put obstacles in the way of freely obtaining it. The outstill question in Bengal is receiving attention, and probably there will be a return to the distillery system.

### 5.—*Revenue.*

We now come to the civil administration proper. With unusual military expenditure, and abnormal financial difficulties, it might be supposed that civil reforms have lagged behind. But the record of what has been effected proves that this is by no means the case. "We have done," said Lord Dufferin at the St. Andrews' dinner, "a great deal more in these directions than anybody imagines." The condition of the masses has been a matter of the greatest solicitude to Lord Dufferin, and the recent comprehensive inquiry into the economic condition of all classes of the population, has been one of the outcomes of such solicitude. The result of that enquiry has been on the whole encouraging, but without it we should never have had the frank admission that "it is undoubtedly the case that in certain districts, whose inhabitants are to be numbered by millions, the means of existence provided by the soil are

inadequate for the support of those who live upon it." The candid recognition by Government that a grave evil exists is the first step towards its removal. In the thickly populated districts of Europe, there are not more than 400 to 500 persons to the square mile, whereas in Oudh, Behar and one or two other crowded localities in India, they exceed 700 or 800 to the square mile. Lord Dufferin has keenly recognized that the main remedy for such over-population and its concomitant ills, lies in the expansion of manufacturing industries and in emigration. As regards the former, he has restored, to a great extent, the sense of security which had received so rude a shock in the time of his predecessor, and has nursed and watered into new life the sensitive plants of capital and enterprise. Emigration has been encouraged, and special facilities are being afforded for sending colonies of landless labourers to Burmah. In this way the dangers of famine are being anticipated during times of peace and prosperity, and an effort is being made to relieve of their surplus population those areas which are too thickly populated. Advantage has been taken, of the last four years of freedom from famine, to thoroughly consider the proposals of the Famine Commission. Each province is now provided with a Famine Code, the provisions of which, if observed, ensure that no Collector of a district shall ever be taken by surprise. What with the immense development of internal trade, and the extension of railways and irrigation, the battle against scarcity and famine will not be so hopeless or difficult as it has been in the past.

That Lord Dufferin has had the welfare of the agricultural classes at heart, is evident from the agrarian legislation which has been one of the great features of his viceroyalty. Three Acts have been passed for Bengal, the Punjab, and Oudh, the main object of which has been to strengthen the occupancy rights of tenants, to ensure their stability by legal guarantees, and to secure all cultivators of the soil from arbitrary eviction or enhancement. The provinces affected by this legislation contain between 19 and 20 millions of agriculturists. In the Panjab the new Rent Act has been supplemented by an exhaustive Land Revenue Code. Certain defects also have been remedied in the Rent and Revenue laws of the North-Western Provinces, Burmah, and Assam.

#### *6.—Home and Legislative.*

Last, but not least, comes the Home Department, and her twin sister the Legislative. We may take these two together, for the one cannot exist without the other. The Home initiates almost all important measures: the Legislative gives them legal form, symmetry, and regularity.

The maintenance of law and order, and the suppression of crime have received considerable attention at the hands of Lord Dufferin's Government. It has been recognized that the status of the police should be raised, and especially of the lower grades. It was thought that the pay of Sub-Inspectors and Head Constables might be raised by abolishing the grade of Inspectors, and Local Governments have been asked to report on this proposal. The status of the village police has been raised in several of the provinces immediately under the Government of India. Owing to the serious rioting in Upper India between Hindus and Mahomedans (especially on occasions when the Dusserah and Mohurram festivals fall together) it has been felt that the ordinary police are not strong or well-disciplined enough to control large mobs excited by religious differences, and it is proposed to make them more efficient for such purposes. A review of the criminal administration of the last decade has been written, and on the basis of this review, measures are to be taken for the attainment of better results in the prevention and detection of crime. At present it could hardly be written of India that "*raro antecedentem scelestum deservit pede Pena claudo*," especially if the "scelestus" be a well-to-do man.

The sentenced criminal is an object of care and solicitude in all civilized countries, an attitude which is very incomprehensible to many Native States, where prisoners are little cared for, and escapes are almost welcomed as saving the State from an expenditure which is grudgingly incurred. In India the treatment of sentenced criminals compares favourably with even that in England, and the keenest opponent of Lord Dufferin's Government would be compelled to acknowledge, that it has been conspicuous for its endeavours to enforce humanity in the jail administration all over the Empire. The avowed policy has always been to combine humane treatment of prisoners with punishment which shall be sufficiently severe to act as a deterrent; but jail statistics and jail discipline have never before been the subject of such close supervision and scrutiny. Year after year during the past four years we have had careful and exhaustive reviews of the jail systems of the various Local Governments; and the fruits of this unremitting attention are observable in the improvement of discipline, the diminution of unnecessary punishments, the comparative infrequency of corporal punishments and reduced diets, the amelioration of the health of the convicts, and the establishment of reformatories for juvenile offenders. The sick and death rates among the prisoners have considerably decreased, and this improvement has been most marked in the province of Bengal. Reformatories have been established in all the

large provinces of India, except the North-Western Provinces and Oudh and the Punjab, and measures are being taken to establish one in the former Provinces. Finally, a Committee has been appointed with the object of introducing further improvements and a greater uniformity, especially in the matter of expenditure.

As regards sanitation perhaps little has been actually effected; but the way has been paved for doing much. The Government has given its serious attention to the subject, and has laid down the lines upon which sanitary reform should be applied to towns and villages. At present the vital energies of the people are crippled by various diseases directly attributable to insanitary conditions, and the object of Government is to bring home to the minds of the people how disastrous it is to live under such conditions. In the resolution issued on July 27th, 1888, the Government of India pointed out that the recent legislative enactments relating to Municipal Committees and Local Boards had provided efficient agencies for supervising the execution of sanitary reforms; and in order to assist these local agencies, and to compel them to do their work properly, it has been decided to appoint in each province a Central Sanitary Board with considerable powers of direction, interference and control. Especial attention is to be given to drainage, the provision of pure water, and simple rules to regulate village sanitation. As remarked by the Public Health Society of Calcutta, this resolution "affords a convincing proof of that singular care for the happiness and well being of the people, which has marked the whole of the administration of His Excellency the Earl of Dufferin. When it comes to be better understood, and when its profound and far reaching suggestions for the comfort and happiness of the people are generally appreciated, it will work a revolution, the effect of which will not only redound to the honour of British rule, but give that rule a new and stronger claim upon the affections of the peoples committed to its care."

Vaccination has made great strides during the past four years; and before the institution of Lady Dufferin's Fund, little or nothing had been done for the medical education of women. This will be more appreciated a decade hence, and probably the name of Dufferin will then be familiar in the mouths of the people as household words. For the present much prejudice and much passive opposition has to be overcome.

\* Many are of opinion that the Government has done too much for education, and that it would have been better for the people had sanitation been regarded as of paramount importance. Lord Dufferin has recently issued an important

resolution on educational policy, in which it is laid down as the duty of Government to encourage primary education, but as regards higher education, it should retire from the field as soon as local efforts or private enterprise shows itself able and willing to supply the educational wants of the people in any locality. The inspecting agency is to be kept separate from the teaching staff, and an attempt is to be made to establish technical schools. Last, but not least, is the preparation of a Moral Text-book, based upon the fundamental principles of natural religion. Under the orders of the Government of India, Sir Alfred Croft has written a complete account of the results of public instruction in India since the Education Commission. This shows that the Mahomedans have, to a great extent, taken the advice given them, that they must rely on their own exertions and not depend on any special assistance from Government. The result of our educational system is, that for every post in Government service there are fifty applicants; and the object of Lord Dufferin is to supplement the narrow literary course by education in the arts, handicrafts, and sciences. The determination to have a Moral Text-book is the result of the irreverence and irreligion for which young India is conspicuous. Family ties and caste obligations have been loosened, while nothing has taken their place; parents complain that they have no hold over their sons; schoolmasters bewail the want of respect and discipline; while Government has at last come to see that the absence of all moral or religious instruction, weakens or destroys all the best elements in the human character.

As regards Local Self-Government, Lord Dufferin has had to carry into practice the principles initiated by Lord Ripon. Circumstances, which it is not necessary to allude to here, rendered this a task of exceptional difficulty, and perhaps the country owes much to Lord Dufferin for having checked the pulling steeds, and somewhat moderated the pace of the administrative coach. But moderation of pace does not necessarily mean any diminution of real and solid progress. In this matter the appointment of the Public Service Commission disproves the allegation that Lord Dufferin has not given Her Majesty's subjects in India as large a share in the management of their own affairs as was compatible with the common weal. *Salus Reipublice suprema lex*—and this maxim is the key-note of Lord Dufferin's administration. In 1885 was passed the Local Self-Government Act for the great Bengal Proconsulate, and new Municipal Acts have recently been passed for the Presidency towns of Calcutta and Bombay. In all these measures sanitation has been prominently kept in view. Lord Dufferin himself has emulated Haroun Alraschid and penetrated slums

in the native town unvisited before by any Viceroy, and he has done his best in various ways to remove from Calcutta the stigma which now attaches to it, of being the focus whence cholera is disseminated over the globe.

The Public Service Commission was appointed in October 1886, and presented its report in the middle of January 1888. It was a strong and representative body, and even those who decried it at first and made aspersions on the *bona fides* of its originator, have, since the publication of the Report, come to see that such imputations were thoroughly undeserved. The principal recommendation of the Commission is that a hundred offices, heretofore reserved for the Covenanted Civil Service, shall be thrown open to the Provincial Service, and thus placed within the reach of our native fellow-subjects in India. The recommendations as to other departments follow the same lines, and the practical result will be that natives of the country will be admitted to a larger share of the higher posts in the administration. Are these mere words and not deeds? *Si monumentum requiras*, look at the recent appointment of Dr. Gurudas Banerjee as a third Native Judge of the High Court.

*Quid leges sine moribus?* But the morality of a nation may be improved by good and wise laws. "Though," remarks Bentham, "morality and legislation have not the same circumference, they have the same centre; and the former has a tendency to follow in the footsteps of the latter." The Legislative mill, then, in a backward Eastern country, replete with bad social customs, should generally be at work. Though we have had no large codes or heroic measures during the quadrennium under review, still there have been a number of excellent well-considered Acts, by which the administration of various parts of the Empire has been much improved. Those who never see the Regulations framed under the Statute 33 Victoria, can have no conception of the amount of legislative work turned out; and we suppose these Regulations—model combinations of executive sense and legal perspicuity—are never looked at save by those whom they immediately concern. With Acts and Regulations combined, Burmah has been given a perfect Code of criminal, civil, and revenue law. Upper Burmah, consisting of 60,000 square miles and a population of about three millions, has been divided into four divisions and 17 districts. Order is now maintained by a strong body of military police, under the control of civil officers. The authority of the village officers has been strengthened, and the village system has been remodelled and placed on a satisfactory basis in accordance with the ancient customs and institutions of the people. It took eight years to pacify the Province of Pegu, and it has naturally taken some time to

restore order in a country (larger than France), which had been a prey to lawlessness, rapine, and organized dacoity for generations.

The Bengal Tenancy Act and the Panjab and Oudh Rent Acts have already been mentioned ; a new Telegraph Act has been passed as Act XIII. of 1885 ; and a law has been passed to facilitate the construction of Tramways. Particular attention has been paid to the constitution of the Civil Courts, and Acts dealing with these Courts have been passed for Bengal, the North-Western Provinces, the Panjab, the Central Provinces and Assam. A Bill dealing with the Civil Courts in Burmah is now before the Legislative Council. The main object of this legislation is to make justice accessible to all classes, and to prevent the victory being to the long purse. There have been unmistakable signs during the past decade that civil justice has sometimes proved a curse to the people : that facts are sacrificed to law, and substance to mere form ; that an elaborate system has been abused and made to work injustice ; and that a poor suitor is no match for a wealthy opponent. It has been Lord Dufferin's desire to simplify civil justice and moderate the tyranny of law.

Commercial interests have not been neglected, and the way has been paved for considerable amplification by a commercial Viceroy. The Inventions and Designs Act of 1888 has taken the place of the old Patent Law : the English yard has been declared to be the standard linear measure for India ; and the law relating to Merchandise Marks is being brought into unison with that of England. By the Act of 1888, debtors in India are now given the same protection as debtors in England, though the sense of the country has not approved of this particular bit of legislation. As regards matters Marine, we have been given the Indian Marine, the Indian Sea Passengers, and the Native Passengers' Ships Acts. The last named measure facilitates the pilgrimage of Indian Mahomedans to Mecca and Medina. Formerly the sufferings of these pilgrims were very severe : and they were subjected to many oppressions and extortions. Arrangements have now been made with Messrs. Thomas Cook and Son to convey the pilgrims to Jeddah and back, and to protect them from ill treatment and extortion.

Local autonomy has been furthered by the establishment of a separate Legislative Council for the North-Western Provinces and Oudh, and it is contemplated to establish one for the Panjab. The principle of the Indian Legislative Council is : "uniformity when you can have it ; diversity when you must have it ; but in all cases certainty." It is perhaps a mistake to aim at too much uniformity on a peninsula, which

is a veritable "congeries gentium:" rather the principle should be to make each Province a separate water-tight bulk-head, so that if any particular system fails, the failure may not be universal. Decentralisation, the responsibility of Local Governments and local bodies for local needs and wants, is the order of the day. It is only fair, then, that Local Councils should legislate regarding their own affairs; and the Government of India has urged the Secretary of State to relax the provision of the statute, which prevents a Local Council from amending or altering any measure undertaken before its establishment in the Supreme Council.

Such is the record, in bare outline, of the Viceroyalty of the Marquis of Dufferin and Ava. He leaves India, not to seek repose in his native land, but to serve his country in another post of honour and trust. The Ambassador in Rome, looking back on his Indian Proconsulate, may well exclaim: "*Et militavi non sine gloria*" Having regard to the events of the past four years, we would select the motto "*mens æqua in arduis*" as best illustrating the temperament of the man and the times in which he ruled—

Justum et tenacem propositi virum  
Non civium ardor prava jubentium,  
Non vultus instantis tyranni  
Mente quatin solidâ.

\* \* \* \* \*

At his last great speech at the St. Andrews' dinner Lord Dufferin has warned the responsible heads of administrations not to court the "*arbitrium popularis auræ*," and he seems to have felt that the "*instans tyrannus*" of the Congress has shaken many good men from an attitude of moral courage and unswerving loyalty. He has denounced in no measured terms the seditious threats and pamphlets of the "*raucus Codrus*" of the League—a denunciation which we (in common with all loyal subjects of the Queen-Empress) think should be followed by the confiscation of Codrus' pension and his prosecution under section 124 A. of the Penal Code. On the eve of his departure Lord Dufferin has struck a much needed blow in the cause of loyalty and good government. Perhaps the only matter for regret is, that the blow was not struck two years ago.

Such is the record of the departing Viceroy: such the acts and measures which await the verdict of public opinion. "The verdict," as Lord Dufferin remarked, "has passed out of my hands, and it will be the pen of the historian that will determine whether my colleagues and myself have succeeded in any adequate degree in contributing to the peace and security of the country, in dissipating some formidable dangers, and in inaugurating such reforms and improvements in its administration as the time and the circumstances of the case either permitted or required."

## ART. XII.—THE PUBLIC SERVICE COMMISSION AND JUDICIAL REFORM.

### I.

**I**T is not surprising that the labours of the Public Service Commission have hitherto received but scanty recognition at the hands of the public press, and have not as yet sustained the detailed criticism to which they will, no doubt, ultimately be subjected. The report of the Public Service Commission is now nearly a year old, and although a marvellous product of skilled analysis, is still 153 pages in length. It involves a complete re-adjustment of the appointments in all branches of the Public Services, and its recommendations are so numerous and in some respects startling, that neither the press, nor the individuals whose interests are affected, have as yet had time to appreciate the extent and effect of the alterations proposed. It has been laid on the table of both Houses of Parliament without a word of comment from the British Cabinet, and has hitherto been unaccompanied by any published Resolution of the Government of India indicating how far the suggestions of the Commission are approved. The evidence on which the report is based is probably the most voluminous ever collected on any public subject in this country, and together with statistics and tables, is contained in some 20 thick folios. The evidence from the province of Bengal alone occupies 500 double pages of close print, and the written replies of Societies and Associations, including those of such bodies as the Bengal Chamber of Commerce, the British Indian Association and the Mahomedan Literary Society of Calcutta, occupy about 100 pages more. Representatives of all the Services of Bengal, of Municipalities and of Rate-payers' Associations, and private gentlemen of position and influence in considerable numbers, have been examined either by the full Commission or the Sub-Committee, and it may fairly be said that not a single interest of Bengal has been entirely ignored, although, as was to be expected from the political tendencies of the day, and the avowed object of the Commission, the more advanced sections of the community have appropriated the greater share of space in the great folio which contains the abstract of the evidence.

The general scope of the the recommendations is, of course, well known, but for the sake of completeness may be here briefly noted. The report of the Commission, in itself a précis

of the views of the majority of the members, has been further epitomized in a summary (page 140) and the results are :—

(1.) That no departure should be allowed from the principle enacted in Section 87, Statute 3 and 4 Will. IV, Chapter 85, or from the policy of Her Majesty's Proclamation of 1858. The words of the Section are as follows :—“No native of the said territories (India), nor any natural born subject of His Majesty resident therein, shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said (East India) Company.”

(2.) That admission to the Covenanted Civil Service, should continue on the system established by Section 32, Statute 21 and 22 Vic., Chapter 106, *i. e.*, that admission should be solely by competitive examination in London, and that it is inexpedient to hold a simultaneous examination in India.

(3.) That the minimum and maximum ages of Native candidates should be 19 and 23 respectively.

(4.) That the Statutory Civil Service should be abolished, and Section 6 of Statute 33 Vic., Chapter 3, be repealed.

(5.) That, in the present circumstances of the country, the claims of Natives of India to higher and more extensive employment in the Public Service, and the admission of competent Natives of each Province of India, to a due proportion of the posts heretofore reserved for the Covenanted Civil Service, can be best provided for by reducing the Covenanted Civil Service to a corps d'élite, by limiting its numbers to what is necessary to fill the chief administrative appointments of the Government, and such a number of the smaller appointments as will ensure a complete course of training for junior Civilians, and by transferring a corresponding number of appointments to a Local Service to be separately recruited in each Province of India.”

(6.) That for the term Covenanted Civil Service of India should be substituted the expression “Imperial Civil Service of India.”

(7.) That no change in principle should be made in Statute 24 and 25 Vic., Chapter 54, which directs that all vacancies in certain offices shall ordinarily be filled up from amongst the Covenanted Civil Servants of the Crown in India, but that “the number of appointments reserved in the Schedule attached to the Statute 24 and 25 Vic., Chapter 54, should be reduced, and that the schedule recommended in Appendix N. to the report, should be adopted.”

Then follow—

(8.) Certain suggestions as to the constitution of the future Civil Service, and provisions for the addition to, or removal of, certain appointments from the schedule.

It is then recommended—

(9.) That Section 3 of the Statute 24 and 25 Vic., Chapter 54 be amended to provide for special appointments “being made on account of exceptional merit and ability proved in the Public Service,” and to judicial offices so specified on account of exceptional merit and ability proved in active practice, as a barrister, advocate or pleader of the High Court.

It is further suggested—

(10.) That in filling up the higher appointments which it is now proposed to exclude from the schedule of 1861, regard should be

had to the claims of officers of the Covenanted Civil Service who competed in or before the year 1870.

(11.) "That the proportion of judicial and revenue appointments excluded from the schedule attached to the Statute 24 and 25 Vic., Chapter 54, should be gradually amalgamated with the higher appointments in the Executive and Judicial Departments of the present Uncovenanted Service and should be recruited locally."

"That local recruitment should be made separately by the Local Governments of the several Provinces to meet their own special requirements, and that the service so recruited should be called the "Provincial Civil Service.

And—

(12.) that in the various High Courts the number of Judges selected from the Judicial Bench of the Provincial Service, or from advocates and pleaders of the High Court, should be increased.

There are many other suggestions which arise more or less from the prime recommendations above summarized, but for the purposes of this article they need not be quoted. There are also various other paragraphs which deal with the saving of vested interests with regard both to the Imperial and the Provincial Service, and on this head the last paragraph of the report may be quoted in its entirety as a significant indication of the difficulty undoubtedly felt by the Commission in reconciling some of their proposals with the rights of the present servants of the Crown.

"These are the recommendations which the Commission has to make for the consideration of the Government of India. They are mainly based on conclusions to which the evidence interpreted by the experience of the several members compels it; and in the desire to follow the guidance of experience, the Commission may in some particulars have exposed itself to a charge of inconsistency. It offers no original scheme; it advises the further application of principles long accepted, and progress on lines indicated by the action of the Government in the past. Considerations of policy and economy alike require, that so far as is consistent with the ends of good government, the recruitment of the official staff in England should be curtailed and advantage taken of qualified agency obtainable in India. The Commission is well aware of the objections that may be urged with more or less force against some of its recommendations and has given them full consideration. But the objections to the alternative plans which were suggested or suggested themselves, seemed to the Commission still more weighty and numerous, while they carried with them infractions of essential principles which the Commission has steadily kept in view, and presented difficulties in detail sufficient to preclude any hope of that reasonable finality which the Commission was directed to aim at. If the recommendations of the Commission fall short of the expectations of those who were sanguine in anticipating larger results, it must remind them how much has been already effected in the gradual extension of the field of employment for natives; and if it appear to other minds that they are on the side of excess, it must be remembered that they leave in the hands of the Government an uncontrolled freedom of selection for the higher offices in

the administration, and that, if accepted, they cannot be completely carried into effect for nearly a generation of official life."

Such are very briefly the proposals of the Public Service Commission. It need scarcely be said that the outcome of their deliberations is obviously a compromise between the various opinions of the members. The skill with which the report has been drawn up may be gathered from the fact, that in a Commission consisting of 15 members, all have agreed upon the main recommendations, and it is only on a minor point, viz. the exclusion of the memberships of the Boards of Revenue from the schedule of appointments reserved for the Covenanted Civil Service, that 6 dissentient members have declined to endorse the views of the majority. Considering therefore the personnel of the Commission and the multiplicity of interests, more or less conflicting, that were represented upon it, the fact that there is practical unanimity in its recommendations is not only surprising in itself, but adds very great weight and authority to the report. On careful examination, however, there is clearly visible an undercurrent of haunting dread lest their proposals should fail to reconcile the claims of educated natives with the rights of the English servants of the Crown and even with the maintenance of British supremacy. The pleas for delay and deliberation in carrying out the more drastic alterations are so thickly scattered throughout the report, that it may well be, the more conservative members in signing it dwelt rather on the reassuring effect of the last paragraph than on the actual letter of the recommendations themselves. Otherwise it is difficult for instance to conceive how the Mahomedan members of the Commission should acquiesce in a report which *inter alia* recommends the abolition of the Statutory Civil Service, a course which in the present state of Mahomedan education will probably effectually debar the élite of Mahomedan society from securing that share of the appointments in the Provincial Service, to which they conceive their position and influence entitle them.

I presume the object of the entire enquiry may be stated thus: It is an effort to discover whether, looking on the one hand to the increase of education and the political spirit among natives of India, and on the other to the importance of preserving a solid backbone of English administration and of conciliating and recognizing the vested interests in the various services, it was feasible to satisfy the claims of natives of India to higher employment on a much more enlarged scale than had hitherto been contemplated. In providing for these claims the Commission have certainly not erred on the side of illiberality. The posts which the Commission propose to remove from the Schedule of appointments reserved for members of the Covenanted Civil Service are 108 in number. These are classified

under 11 heads in page 77 of the Report, and as I propose to deal in the present article only with the recommendations which affect the Judicial Department, I refer here only to clauses 2 and 5 in so far as they affect Bengal. The appointments thus excluded are "one-third of District and Civil and Sessions Judges or Chief Judicial officers of districts," and one-sixth of Joint Magistrates in all provinces. It may be observed that on the Executive side one-tenth only of the Magistrates or Chief Magisterial Officers of districts, including Deputy Commissioners, are excluded from the schedule. The Judicial Branch bears the brunt of the curtailment for the avowed reason, that the highest Judicial offices in the country have been filled by natives with marked ability, and the Subordinate Judiciary has displayed very great aptitude for judicial work, while they have as yet not had sufficient opportunities for displaying qualities fitting them for high executive administration.

Before considering the subject in detail, I may observe at the outset that I cannot see any valid reason for reserving for natives,—at any rate in Bengal—a larger proportion of Judgeships than of Magistracies of districts. I do not understand how the Commission can have come to the conclusion that less opportunity has been afforded to natives for showing capacity and liking for executive charge than for judicial work. Wherever qualified natives have had any option in the matter, they have usually selected the executive line of service. Of the five native members who have entered the Bengal Civil Service by competition, and who have arrived at that stage of their service in which they are entitled to indicate their preference, four have chosen the Executive and one only the Judicial. It is a still more significant fact that of these four, two have already been selected for special appointments (an acting Secretaryship to the Board of Revenue and a Post Master Generalship), which would ordinarily indicate that they have shewn more than the average efficiency in executive posts. Among the Statutory Civilians one or two have already been appointed to temporary charge of districts, and even Deputy Magistrates have occasionally held such posts on the occasion of a brief vacancy. So far as preliminary training is concerned, a Deputy Magistrate has far more insight into the entire machinery of a Magistrate's office, and performs a far larger share of duties analogous to those of a District Magistrate, than any other official or non-official possesses or performs of the work of a District and Sessions Judge's office. The extension of unpaid Native agency in an executive direction, such as the control of District Boards and Municipalities, has resulted, whatever its shortcomings at any rate, more successfully than the utilization of the same agency in the judicial line. The failure of the system, for

instance, by which Honorary Magistrates are appointed, is conspicuous not only in Bengal but in other parts of India. The supreme executive charge of most districts in Bengal is not a position which demands any greater energy, decision, or power of controlling subordinates than is required in a District and Sessions Judgeship. The question of fitness for a particular class of work is moreover absolute and not relative. It is a question of employing Native agency more largely than heretofore in all departments for which they are suitable, and if they are capable of filling one-tenth of the Magistracies and Collectorships, it is difficult to see why they should not be assumed to be capable of undertaking one-third. If the principal object be to exclude them from districts in which there are resident non-official Europeans, they might be safely appointed to at least one-third of the districts of Bengal. There can be no doubt that the invidious distinction now drawn will be fruitful in dispute and friction between the two branches of the service. As it is, the anomaly is frequently presented of junior Sessions Judges trying criminal appeals and hearing revisions from the orders of senior Magistrates, but when the question of the legality or illegality of an English Magistrate's decisions or even his executive orders has to be tried, as it obviously will often have to be tried under the present proposals, by a Sessions Judge who is a Native, there can be little doubt that friction will ensue which may, at some time or other, cause a serious explosion. I entirely concur with the following remark \* of Mr. H. J. S. Cotton in his work on "New India," assuming, of course, that the premisses are granted. "The gradual withdrawal of our interference in Indian affairs should rather be marked by our systematic resignation of executive functions than by the relinquishment of judicial appointments which carry with them the right of appellate and revisional jurisdiction." It should also not be lost sight of, that executive officers are far more amenable to the advice, supervision and correction of superiors as well as to outside criticism, than are judicial officers much of whose work is absolutely final, and who are not in the habit of asking the assistance of their superiors in the conduct of their business.

## II.

The next point to be considered is, whether these recommendations are, or are not consistent with justice to the members of the Covenanted Civil Service who have already embarked on an Indian career. As already noticed the claims of officers who competed in or before 1870 have been considered, but

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\* *New India*, by H. J. S. Cotton, page 77.

with regard to those who entered the service after that date the Commission remark as follows :—

" In the documentary evidence relating to the Punjab will be found a note put in on behalf of junior officers of the Covenanted Civil Service employed in that province, with the object of showing that certain cases, in which Natives have been appointed direct to superior offices, have produced a considerable degree of uncertainty and uneasiness in the minds of Covenanted Civil Servants as to their promotion and prospects. It is urged that these appointments have had the effect of retarding promotion, already slow in the Panjab Commission; that the Statute 33 Vic., cap. 3, "as it stood without the rules, was a dead letter, so far as appointments to be made under it were concerned," and that "to supersede men who have been in the service for periods ranging from seven years to sixteen years under powers allowed to be entirely dormant for nine years, and not brought into actual operation even after that period, is distinctly inequitable and opposed to public policy and morality." On this point the Commission would observe that, although certain appointments of Natives of India to superior posts in the Punjab may have exercised a disturbing influence on the minds of Covenanted Civil Servants employed in that province, such appointments have been extremely few in number, while the power to make them under special circumstances was reserved to the Government as long ago as 1861 (Statute 24 and 25 Vic, Cap. 54, sec. 3). As regards appointments generally under the Statutory rules, the Commission cannot see that any valid complaint can be made on the ground that the Statute of 1870 was practically allowed to remain inoperative for some years. That Statute formed the subject of prolonged public discussion in Parliament. On the other hand, the number of appointments thrown open to public competition in England has, for some time past, been adjusted in reference to the fact that a fixed proportion is reserved for natives appointed in India, and Her Majesty's Secretary of State some years ago decided, on memorials presented by certain members of the Bengal Civil Service, that effect must be given to the intentions of Parliament as embodied in the Statute which was as little hostile to the interests of the Covenanted Civil Service "as a due appreciation of conflicting claims could permit." The Commission does not consider that any appreciable injury has been done to the Covenanted Civil Service, either by the very limited extent to which recourse has been had to the power of appointment conferred by the Statute of 1861, or by the operation of the rules framed under the statute of 1870; nor has the Commission received any evidence sufficient to satisfy it that the action which has been taken in this respect has exercised a prejudicial effect either on recruitment for the Covenanted Civil Service in England, or on the efficiency of Covenanted Civil Servants after their appointment to the service of Government."

I venture to consider that this reasoning is not conclusive or even cogent. In the first place the Commission appear to regard the question of the prospects and promotion of the Junior Civil Servants in the light of the history of the past, and to ignore altogether any forecast of the result of the Commission itself. They observe that in 1861 power was reserved to Government to appoint Natives of India to superior

posts, but that these have been very few in number. As a matter of fact, as I gather from an earlier portion of the report, they are only two, *viz.*, one in Bengal (a District Judgeship) and another in Bombay (an acting Sessions Judgeship) and these appointments were ultimately sanctioned by the Secretary of State under the Act of 1870 and not under the former statute. Under the Statute of 1870 (33 Vic cap 3) a limited number of natives have been appointed in all provinces, but these have commenced at the lowest grade. To argue that because the rules, framed under this statute, and the appointment of natives in the lowest grade of the service in accordance with these rules have inflicted no appreciable hardship on the Covenanted Civil Service (a fact however which the Civil Service disputes) scarcely satisfies the conditions of the present question where the premisses are widely different. The recommendations of the Commission are, as already quoted, to absorb one-third of the District Judgeships and one-sixth of the Joint Magistracies, and this not by the growth of seniority among officers originally appointed to the grade of Assistant Magistrates and Collectors, but by Sub-Judges, barristers, and pleaders, and other members of the Provincial Service who will be appointed as it were "per saltum." The argument as to the publicity of the Statute of 1870 is only a presumption as regards individuals. Every one is, no doubt, supposed to know the law, but no one can possibly be expected to foresee the particular mode in which a permissive law will be worked. In the case of a contract between the Secretary of State on the one hand and individual youths who join the Civil Service on the other, it should be shewn that the present construction of the Statute was the one which was adopted by the contracting parties ever since the Statute was passed.\* The Commission admit that the Statute has been practically inoperative for some years, but they will not concede that any legitimate inference can be drawn from this fact. Ordinarily, however, the intentions of Government under a permissive Statute can only be gauged by its actual practice. If it is allowed for so long to remain practically dormant, during the very years in which its success or failure would naturally be a subject of keen interest, and if, as many witnesses depose, the limited number of appointments actually made was not satisfactory, English candidates from the schools and colleges of England might fairly presume that appointments in the future under this particular statute would not be more numerous than heretofore, and would not materially interfere with the due course of promotion. That a distinct standard of promotion to which

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\* I have ascertained that in the Hand book published by the Civil Service Commissioners for the information of candidates in England, there is no mention of Statutory Civilians, and a passed candidate learns of their existence only after his arrival in India.

all competent members of the Civil Service are entitled to attain has been sometimes recognized by the Secretary of State, is abundantly shewn by the action of Government at various times in devising remedies for stagnation in promotion. The recommendations of the Commission, if adopted, will affect promotion to an extent hitherto unknown by the introduction of a novel principle. The Commission altogether omit from their statement of the case the fact, that the analogy of the appointments made under the Statute of 1870 does not apply, the appointments so made having been from the initiatory stage of the service instead of, as now proposed, at a stage ordinarily attained after 12 to 20 years' service.

It may be, although the fact is denied by many of the witnesses, that the number of appointments thrown open to public competition in England has latterly been adjusted with reference to the appointments likely to be made under the Statute, but looking to the mode in which the Statute has hitherto been interpreted, how can this in any way affect the justice or injustice of a recommendation that one-third of the Judgeships and one sixth of the Joint Magistracies should be filled "per saltum" by outsiders? The appointments thus made are, as the Commission have observed, two in number for the whole of India, but singularly enough they dwell on the paucity of the number as indicating no legitimate ground of complaint, but avoid any reference to the recasting of the schedule which they contemplate. Looking then to the experience of the past 18 years, both as to the annual number of appointments made and the stage at which the candidates enter the service, I cannot see that any precedent whatever is derivable from the past working of the Statute of 1870, for the present recommendation of the Commission, or that these recommendations can be carried out without injustice to Civilians now in the country, whether they entered the service before or after 1870. The recommendations now made involve a formidable inroad, based on an entirely novel principle, into the Charter of the Civil Service contained in the schedule attached to the Act of 1861.

The Commission appear to consider however that by gradually amalgamating the appointments excluded from the schedule with the higher appointments in the Executive and Judicial Departments of the present Uncovenanted Service, there will be no sudden dislocation of the existing system of administration, and no injury to the just expectations of officers now in the Covenanted Service. I confess I cannot understand how the proposed scheme, unless its inception is postponed until all the members of the Civil Service now in the country have been absorbed in the higher posts, including those it is intended ultimately to exclude, can fail to disappoint just anticipations of promotion. The Commission recommend that the cadre of

the Civil Service if larger than will be required under the present scheme, (and it obviously is very much larger) should be reduced at the time of future recruitment for the Civil Service. But to carry out the scheme, or even to commence the absorption of the appointments from the schedule, and their inclusion in the Provincial Service before the members of the Civil Servants in the country have been recruited under the new cadre, will certainly involve the evils which the Commission deprecates.

There is another public body who, it appears to me, have some cause for complaint. The Statutory Civil Service has no doubt not proved a success. Although some of the Mahomedan witnesses have, for obvious reasons, justified its maintenance, the English and Bengali witnesses, whether official or non-official, have united in a chorus of condemnation of its constitution, its personnel, and its inadequacy to secure the ends for which it was founded. It may be conceded that the earlier appointments have been unfortunate, but those of later date include some able and efficient public officers. They were admitted under the rules framed in 1879, and these rules were based on an interpretation of the Statute of 33 Vic. which it appears is now out of favour. Whether that interpretation was right or not, the Statutory Civilians admitted after 1879 were led to understand that they were not appointed to posts ordinarily reserved for members of the Civil Service, but were substantially included in the cadre of the Civil Service itself. Some of the members of this service have already risen, in due course of promotions, to officiating Collectorships and Judgeships, and the proposal to remove them *en masse* from the ranks of what will ultimately be the Imperial Service into the somewhat heterogeneous and inferior Provincial Service, is hardly consistent with fairness to the gentlemen concerned. I understand that a memorial has already been submitted to the Secretary of State by one of the Statutory Civilians deprecating this proposal, and the British Indian Association has also addressed a lengthy remonstrance to Government on the same subject.

### III.

The next question is, whether the Judicial Service in Bengal can be maintained in its present state of efficiency by the introduction of the varieties of agency proposed, and the first mode of discussing the point which suggests itself is naturally an examination of the evidence which has been given by witnesses in this province. The Commission have refrained from quoting from evidence, and have merely referred to it as establishing certain conclusions. They have not even, except very rarely, referred to the general complexion of the views held by the various classes of witnesses. No doubt, considering the

voluminous character of the evidence, the extremely opposite tendencies of the witnesses examined, and the diversity of the opinions expressed, it was a convenient and proper course to ignore in the report individual recommendations. But in considering the possibility, consistently with the maintenance of the present standard of judicial merit, of making the changes proposed, it is clear that the present attempt to criticise the scheme would be incomplete and unsatisfactory, unless the evidence of some of the witnesses, who are more especially competent to give an opinion, is discussed in some detail.

It would certainly answer no useful purpose to examine the evidence of witnesses who are clearly not competent. It is only when the Reviewer attempts to wade through the mass of material at his disposal that he can gauge the extreme laboriousness of the task the Commission had to perform. When we bear in mind that not only experts, *i. e.*, witnesses called especially by the Commission to afford information and to suggest amendments on matters with which they have been familiar for a lifetime, but also independent gentlemen of all descriptions and of all nationalities were entitled to a hearing, it is not surprising that many startling and some ludicrous schemes have been placed at the disposal of the Commission, devised in accordance with the social and political views of reformers whose zeal and ingenuity were more conspicuous than their experience and insight.

Apart from the marvellous fertility of resource displayed in the varied schemes suggested to the Commission, the extreme range of political theories propounded is also noteworthy. For instance, one gentleman of high standing and distinguished abilities proposes the absolute restriction of the Covenanted Civil Service to Englishmen, and is quite prepared to so construe the Queen's Proclamation and the Statute of 1833, as to secure this end. As an antithesis to this, a well known Editor of a Native newspaper, is utterly dissatisfied with the Civil Service as it exists, and observes that "Boy Magistrates in India have become a standing reproach to the administration." He recommends, by way of amending the Queen's Proclamation in another direction, that in all appointments in India, "preference should be shewn to the children of the soil," and would recruit the Uncovenanted Civil Service entirely from Statutory natives of India, eliminating the European element altogether. A prominent representative of liberal opinion in the Civil Service suggests, that in all the advanced districts in advanced provinces, such as Hooghly, Burdwan, Nuddea and the 24-Pargannahs, "there should be a complete abolition of our centralized organization, and the substitution in its place of a body of representative officials chosen in each locality." After this it is

not surprising to find another radical reformer seriously suggesting that the competitive examination in England should be abolished altogether, and all the services recruited from natives in this country. This gentleman is I believe alone in attaching no importance whatever to the training of natives in England.

There is, it may be observed, no subject which has led to more hopeless chaos in the schemes put forward by the various witnesses, than the different views expressed about economy. With the majority the *cheval de bataille* for the large employment of Natives is reduced pay and consequent diminished expenditure in the administration of the country. A large minority, however, make it a *sine quâ non* that Natives, who will occupy the positions now held by European Covenanted Civilians, must draw the same pay in order that their prestige may, not be lowered.

A similar divergence of views is to be found among Mahomedan witnesses. One gentleman altogether deprecates the competitive system for natives, which threatens to swamp the service with candidates from one or two favoured provinces. Even for Englishmen he would supplement the educational test by giving credit for "morale and physique." Another Mahomedan witness would re-introduce the Haileybury system in England, but would maintain the Statutory Civil Service in India, suggesting that Government should nominate for it from among officers of the Uncovenanted Service, and from the members of the Native and English bar of 4 and 2 years standing respectively, in the former case on the recommendation of the senior Government Pleader, and in the latter case of the Advocate General.

The above is a mere skeleton outline of some of the evidence tendered to the Commission, and is by no means meant to reproduce fully the theories even of the individuals alluded to, but merely to indicate the extreme divergence of the views placed before the Commission. I shall now refer in detail only to the evidence of such witnesses as are acknowledged experts on the subject of judicial reform. Among experts, however, there is unhappily, as we shall see, just the same divergence of opinion on capital points as among professed politicians and social reformers.

The classes from among which appointments to the post of District and Sessions Judgeships are recommended to the extent specified are, it will be remembered, barristers, advocates and pleaders of the High Court, and Sub-Judges. The members of the bar, who are eligible for such direct appointments, will be selected "on account of exceptional merit and ability proved in active practice."

Sir Charles Paul, the Advocate General, desires to recruit

the Mofussil Bench from members of the bar, and is of opinion that all the District and Additional District Judges should be taken from advocates and pleaders of the High Court. He further observed that he should find no difficulty in selecting six barristers and six pleaders who would accept the office of District Judge. It turned out, however, that among the advocates not one was earning more than \$500 a month, so that if success at the bar be regarded as a proof of "exceptional merit and ability," it would be difficult to characterize any of these gentlemen as eligible. All the advocates except one were of about 12 years' standing, so that it can scarcely be expected that they should possess, even if their practice in Calcutta gave them similar advantages, the same intimate knowledge and experience of the languages and customs of the country as civilians of considerably longer service. Sir Charles Paul further states, that as a rule the knowledge of the rules of evidence possessed by District Judges is indifferent and inaccurate, although he admits that among Civilian Judges there are men of very high attainments. He would abolish all Civilian District Judges, and would restrict the promotion of juniors to the executive line, culminating in Commissionerships and Memberships of the Board of Revenue.

Mr. M. P. Gasper, a barrister in practice in Calcutta and the mofussil, has an equally low opinion of the merits of District Judges as a class. He states that District Judges, not being trained lawyers, are not qualified to perform their duties. "They work slowly, because they are obliged to apply their undoubted talents to the consideration of cases of which they have no experience, and of points of law with which they are not familiar." He would also recruit the District Judges and High Court Judges from among the bar, and by way of clinching the matter, he says "according to the system I advocate, there would not be a Civilian Judge in the country." Such extreme views of the incapacity of English Judges are rarely found in the volume of evidence, but even these opinions are qualified here and there by a high encomium of individual Judges. These two authorities, however, while agreeing in their condemnation of District Judges, are entirely at variance as to some of the qualifications necessary to constitute a good Judge in India. Sir Charles Paul considers that a fair knowledge of the revenue regulations and the administrative system of the country is highly advantageous; Mr. Gasper on the other hand considers that familiarity with the revenue and executive administration of the country is unnecessary and even mischievous in a Judge.

The evidence of Babu Mohendra Nath Bose, a Judge of the Small Cause Court and one of the senior members of the

Subordinate Judicial Service, is interesting as throwing a perfectly new light on the question. He would not give any appointment to members of the Native bar (especially in the mofussil) after they have attained the age of 25 years, on the ground that long practice at the bar in the case of native gentlemen unfits them for the duties of a Judge. In the course of a somewhat long cross examination on this apparently novel view, Babu Mohendra Nath Bose explained himself by intimating, that the members of the Mofussil bar in good practice would refuse appointments if offered to them, and that the others have to shift as best they can for a scanty subsistence; and as they are unable "honestly to make two ends meet, there is no knowing how far they will not go in the other direction." Further on he states that he does not think a pleader, who has been 10 years at the bar with little or nothing to do, is likely to make an efficient Judge. The most striking of the opinions expressed by Babu Mohendra Nath Bose is, however, that no pleader in the mofussil with a practice of from Rs. 400 to 600, would accept a Munsifship even with the prospect of promotion to a District Judgeship.

I cannot conceive the probability of Government acting upon the recommendations to appoint barristers and pleaders direct to District Judgeships. Very few of the witnesses have been asked what class of barristers and advocates would accept such appointments, but the testimony of Sir Charles Paul, given after personal inquiry from the members of the Calcutta bar, is conclusive that none but men who had failed to secure even a tolerable income in Calcutta, would be attracted by a District Judgeship. It cannot be supposed that Government would consider the efficiency of the judicial service improved, or even maintained, by the appointment of barristers or advocates of 8 to 12 years' standing, whose only qualification for the post is legal training devoid of extensive practice, who have had no familiarity with the working and control of offices, or with the complicated machinery for the disposal of a mass of judicial work by numerous subordinate officers. In addition to the grave disqualifications involved in lack of experience in such matters, there is also, in the majority of cases, ignorance of the languages of the country, and a somewhat rudimentary acquaintance with native customs and prejudices.\* Apart from a lack of

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\* These disadvantages are, one would have supposed, so generally admitted, that I should not have thought it necessary to lay stress upon them, were it not that one of the Native witnesses examined stated that a "barrister has as much opportunity of learning the language and the manners and habits of thought of the people as a Civilian has, probably more." The next answer qualifies this remarkable assertion. He adds "if he is a European, he may have practised in the Mofussil or on the Appellate side

general experience in administration, it is difficult to see how an advocate of the Calcutta bar, ignorant of the vernacular of either province, is to charge jurors and assessors, understand the arguments of pleaders not versed in English, of whom a modicum still remain in most districts, and conduct the business of the vernacular portion of the office. It would be equally impossible for him to personally inspect the greater part of the routine work of his offices. Such an officer, however well trained in legal maxims and practical experience of the laws of evidence, must be entirely in the hands of the English knowing portion of the office subordinates. The witnesses who advocate the appointment of English barristers, and who make light of his inexperience in office routine, are naturally those who have the least knowledge as to the scope and extent of a District Judge's miscellaneous duties. Imagine the case of an English barrister who had to decide as to the truth of complaints made against the competency of a Civil Court Amin, and who had to test his industry and ability by a careful comparison of his vernacular diaries with the map of the locality and the field book, also in all probability in the vernacular. Can it be doubted that the ultimate decision in all such matters would rest with the English-knowing "Serishtadar" or head clerk even if he had passed the vernacular examination contemplated by the Commission?\*

Apart from all these considerations, there is the question—What political or administrative benefit is gained by substituting one class of Englishmen for another in judicial posts which the Covenanted Civil Servants are at present entitled to regard as the legitimate reward of long and arduous work in the lower branches of the service? Experience in England shews that the coveted positions of Puisne Judges are accepted by success-

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of the Court, and in that case he will know almost as much of the country and the people as a man who has spent his whole life in the Mofussil." An assertion so strange in itself, so soon qualified and transposed from a direct to a hypothetical proposition, will hardly command general assent.

\* No doubt a certificate of having passed an examination in one of the vernacular languages of the province in which he is to be employed, is insisted upon before an English candidate is considered eligible, but the standard contemplated, which is apparently something similar to the degree of efficiency in the native languages required from Covenanted Civilians before they leave England, can hardly replace the habitual practical familiarity, for 10 to 20 years, which is possessed by Civilian Judges. No book examination, however carefully conducted, can really test the capacity of a candidate to conduct ordinary business in the vernacular languages. It is, moreover, hardly likely that the test to be imposed on English barristers would in practice be a very severe one. It is described in one place (see page 81 of the report) as "such a knowledge of the vernacular language as is required on the part of other persons before first appointment to the Provincial Service."

ful barristers at a considerable loss of professional income. In this country, on the other hand, the position of District and Sessions Judge will only be accepted by barristers who would gain and not lose in income by exchanging a small and precarious livelihood at the bar for a larger and more certain salary as a Judge. Why then should the salutary practice in England be reversed in this country, where there is no political end to be gained thereby, and where the legitimate aspirations of the natives for higher employment, to give effect to which the Commission was appointed, will be hindered rather than furthered by this branch of their recommendations?

With regard to natives, of course, these arguments do not apply in their entirety. Here both administrative and political considerations enter into the question. But it is hardly intended in order to show our confidence in the aptitude of educated natives for legal work, that we shall appoint a class who may have attained a certain technical professional standard, whether in other respects they are fit or not for the complex duties of a Judgeship. It appears to me from the evidence, that it will be just as difficult to get native barristers, who satisfy the conditions, to accept District and Sessions Judgeships, as to obtain English advocates. Sir Comer Petheram observes that the best practitioners of the native bar would scarcely be induced to accept a High Court Judgeship, and the offer of a District Judgeship on Rs. 2,000 a month would probably be rejected by the majority. All the disadvantages of inexperience in administration which would attach to English barristers attach equally to native pleaders. But assuming that eminent native members of the High Court bar would not accept such a post, where is Government to find its candidates?

#### IV.

The strongest argument, however, against the appointment of native barristers or pleaders direct to the Mofussil District Bench, is that such a course would involve a great and undeserved slur on one of the ablest bodies of judicial officers ever known—the Subordinate Judges of Bengal. Originally appointed as Mooniffs from the Mofussil bar at a time when the prospects of promotion were better and Government service more appreciated, many of them gave up a considerable practice to take their seats on the Bench. There can be little doubt that several of these gentlemen, had they remained in the exercise of their profession would be now in receipt of a large income as leaders in Mofussil Courts. Amid the infinite variety in the evidence of the witnesses, there is no point on which the testimony is more practically unanimous than in the tribute that

has been paid to the industry, ability and conscientiousness of the Subordinate Judges. It can hardly be supposed that if any native is to be raised out of the ordinary course to a District Judgeship, the claims of the Sub-Judges would be superseded by the appointment of pleaders of no whit better legal ability, with no office experience, and without the claim to promotion which many years of hard, and often inadequately appreciated, labour in Government service confer.

The next question then is, whether the Sub-Judges are, as a body, eligible for promotion to the District Bench. It is necessary at this stage of the enquiry, again to consult the evidence of experts, and among them none can command so much respect and authority as the opinions of the Chief Justice and two Puisne Judges of the High Court of Calcutta. Commencing with the evidence of the Hon'ble Sir W. Comer Petheram, I place in a narrative form his answers to questions regarding the relative efficiency of District Judges and Sub-Judges. He says:—

District Judges as a class do their criminal work very well, and as a general rule the sessions trials are conducted with very great care. The Criminal Appellate work is also efficiently performed, and with reference to their civil work, they are very efficient indeed, as far as the class of cases is concerned for which their training qualifies them. But I think that when they come to deal with complicated masses of fact, their training has not been of the kind to enable them to deal powerfully with that class of case. I doubt whether, at the present, Sub-Judges, if they were appointed to that position, would have sufficient weight and authority to efficiently control and inspect the Courts subordinate to them. I am not prepared to say I should like to see Sub-Judges appointed to the High Court, but Sub-Judges deal more powerfully with complicated matters of fact than District Judges."

The following is extracted from the evidence of the Hon'ble H. T. Prinsep, a Judge of the High Court of Calcutta:—

"I think the present number of Native District Judges might be increased but not to any large extent. I should say not more than one-sixth of the District Judges of Bengal would properly and advantageously be filled by natives. In respect to Sub-Judges as a class I am not satisfied that they do possess sufficient qualifications to have administrative charge of a District. I think in their judicial work, the members of the Covenanted Civil Service labour under very great disadvantages, owing to the system under which they are appointed, but notwithstanding that, I think that taking the average, their work is considerably superior to that of Sub Judges, who have had the advantage of several years' previous service as Civil Judge, and a special legal education sufficient to obtain the University Degree of B.L. I should say about half of the present District Judges have fair reason to expect promotion to the High Court. Very nearly all are fairly efficient, perhaps there are 2 or 3 who, I should say, are not efficient.

Personally I would not appoint a Sub-Judge to the High Court until he had served in a District Court. There are not more than two or three Sub Judges, if so many, who are fit to be made District judges at the present.

The Hon'ble Chunder Madhub Ghose, a Judge of the High Court of Calcutta, makes the following statement :—

It is desirable to have among the High Court Judges some gentlemen possessing a knowledge of the executive administration of the country. I do not think the Subordinate Judiciary as at present recruited, would do so well as Covenanted Civilians for Sessions Judgeships ; they have had no training : I am not prepared to give a decided opinion as to whether District Judges are able to deal with cases involving intricate masses of fact better or worse than Sub-Judges ; there are some Judges in the Civil Service who are very good judges of facts. In a matter like this it is very difficult to compare class with class. I think there are some Sub Judges in Bengal who would do well as District Judges,—not many.

Finally as regards the relative efficiency of Sub-Judges and District Judges, the opinion of the Advocate General may be again quoted. Notwithstanding his wish to abolish Civilian Judges, he says that “ when the decision of a case demands the exercise of high moral and mental culture on the part of the Judge, and when complicated questions of fact are involved, the Civilian Judge deals much better with them than Sub-Judges, on the ground that the Covenanted Judge is a man of better education and more extensive reading.” On the other hand the same authority observes that when District Judges differ from their subordinates in points of law, they are generally in error. The Sub-Judge is more familiar with the Regulations and Acts and decided cases from constant practice than the District Judge, and as a rule decides points of law better than the latter. He says, finally, that neither District Judges nor Sub-Judges are competent to deal with civil cases in an efficient and satisfactory manner, because they are not acquainted with the broad principles of law and equity.

It will be observed, therefore, that the opinions of the highest authorities vary so completely on the question of the relative efficiency of District and Sub-Judges in civil work, that it is impossible to accept any particular conclusions as being established by their evidence. Upon the whole, perhaps, and taking into consideration other evidence which it is unnecessary to quote at length, the balance may be said to incline as regards purely civil work in favor of Sub-Judges.

There is, however, another criterion, which although not in all respects satisfactory, may be accepted as some guide when the opinions of experts differ so widely, and this is derived from the statements prepared in the High Court of the result of appeals from original decrees, appellate decrees, and orders passed by District Judges and Sub-Judges respectively. The percentage of decrees approved, reversed, varied, and remanded in each case presents such curious uniformity, that it is scarcely possible from this standard to draw any distinction as to the

relative correctness and legality of the decisions of District Judges and Sub-Judges.\* It must, however, be borne in mind that a Sub-Judge works on entirely different lines from those of a District Judge. The former is occupied incessantly in protracted original suits. He devotes to each of them long hours and days of patient and assiduous labour. He is liable to no interruptions from the pressure of other business, and his mind is not disturbed from its judicial equanimity by the multifarious business which occupies his superior. The original work done by District Judges is, as a rule, simpler in character, but he performs it with twice the rapidity of the Sub-Judge. Instead, however, of continuous sittings *de die in diem*, which allow the mind to concentrate its utmost powers on the particular suit which is *sub judice*, he is liable to numerous distractions connected with his criminal work, his correspondence, his miscellaneous office work, and the applications which are made to him in his executive capacity. From all these distractions the Sub-Judge is free, and it is not surprising if the original work of

\* The following are the actual figures for the years 1884 and 1885.

*Result of appeals in the High Court during the year 1884.*

		AFFIRMED.		REVERSED.		VARIED.		REMANDED.	
		Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.
Appeals from original decrees	District Judge ...	55	55.54	18	18.18	4	40.4	4	4.04
	Subordinate Judge ..	123	54.42	42	18.51	30	13.27	8	3.54
Appeals from appellate decrees	District Judge ...	664	79.85	45	5.40	13	1.56	70	8.41
	Subordinate Judge ..	1010	75.03	95	7.13	27	2.1	168	12.78
Appeals from orders.	District Judge ...	145	61.31	58	17.11	6	2.7	24	10.81
	Subordinate Judge ..	111	68.51	22	13.58	3	1.85	15	9.85

*Result of appeals in the High Court during the year 1885.*

		AFFIRMED.		REVERSED.		VARIED.		REMANDED.	
		Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.
Appeals from original decrees.	District Judge ..	67	55.37	22	18.18	8	6.6	25	20.6
	Subordinate Judge ..	145	53.95	43	15.68	37	13.75	11	4.08
Appeals from appellate decrees.	District Judge ..	1,230	64.75	76	4.05	36	1.92	992	15.29
	Subordinate Judge ..	2,013	85.74	127	5.09	56	2.24	220	8.84
Appeals from orders	District Judge ..	128	63.68	30	14.92	0	4.47	21	10.44
	Subordinate Judge ..	135	79.58	16	8.66	6	3.22	23	12.36

the District Judge occasionally betrays signs of haste and inaccuracy, which would be absent if the atmosphere in which he moved had the serenity which characterizes the uninterrupted performance of one task until it is completed.

But assuming that, in the quality of their purely judicial Civil work, the Sub-Judges are fully competent to become District Judges, the problem is by no means at an end. A District Judge is not only the head Civil authority in the district, but also its administrator for judicial purposes, and above all the principal Criminal functionary of the district. Whatever anomaly is apparent in the supervision of Civil work by a District Judge, who has hitherto had little or no experience in that line, would be reproduced in a still more startling light by the exercise of the supreme criminal administration of the district on the part of an officer who has never tried a Criminal case in his life, bearing in mind that Civil Appellate is not, whereas Criminal Appellate work is, final. Criminal work is not the department of public business for which native capacity is most suited. Here and there the anomalous judgments and extreme or inadequate sentences on criminals which come before a Sessions Judge from the Sub-Executive branch of the service, appear inconsistent with common sense, and almost incompatible with the exercise of judicial honesty of purpose. These flaws are as common in the decisions of members of the senior as in those of the junior branches of the service. I do not think that all Native Judges have completely emancipated themselves from inherited instincts and prejudices as regards the classification and relative heinousness of crime which characterized the India of the past, the India of the Brahminical supremacy, and the hierarchy of caste. The power to apportion the proper amount of punishment in the case of convicted prisoners, which is I think the distinguishing merit of English Judges, is one that comes only of constant practice strengthening the judicial instinct, and of the impartiality of mind attained by a foreigner, who has made it his business for long years to observe and understand the customs and peculiarities of native character, and who recognizes and gives effect to them without being dominated by them. I do not look upon this capacity if it exists, as the opinions of experts would lead us to believe it does exist for criminal work on the part of the judicial branch of the Civil Service, as being especially creditable to them, but rather as the necessary and legitimate outcome of the conditions under which they work. On the other hand, notwithstanding the spread of education and the advanced political creeds of the present day, the Deputy Magistrate does not always show himself free from the bias of religious belief and social prejudice.

For the correction of such errors as spring either from ignorance of the rudimentary principles of criminal law, from a want of discrimination in the weighing of evidence, from unfairness arising from religious bias, generally, I am sure, unconsciously acting on the judgment, and lastly from the oppressive and even outrageous sentences sometimes imposed for trifling offences, the public at present look to the Sessions Judge. It must be borne in mind that the Sessions Judge is the ultimate authority in Criminal appeals, and I therefore consider his criminal appellate work as by far the most important of all the functions which he performs, for a failure of justice here denotes an irremediable misfortune. Much of this work has to be done without the aid of the bar, the prisoner being too poor to afford the assistance of pleaders.

If then the recommendations of the Commission are ultimately sanctioned by the Secretary of State, there can be no doubt that much latitude will be left to the Government of India as to the mode in which the experiment shall be tried; and I think before Sub-Judges are appointed to the full control of a district, selected officers should be tentatively vested with the powers of an Assistant Sessions Judge. This should, in my opinion, be the first step taken in their noviciate into criminal work. Their decisions as a Court of Sessions will always be subject to the revision of a higher and more experienced tribunal, and they will perform their functions with the help of competent pleaders.

As the correctness of the views I have expressed above may be doubted by the more advanced advocates for native employment, whether they be Europeans or natives, it is only reasonable that I should give some definite examples or illustrations, or at any rate that I should specify, in a more determinate way, the kind and degree of failure of justice attributable to the lack of judicial instinct in the Native Magistrate. This is the more desirable as I have noticed in the pages of the evidence recorded by the Public Service Commission, many instances where opinions of similar complexion have been put forward by witnesses, but when very naturally and properly asked for individual cases, they have, as a rule, professed their inability to recollect them.

To take then one of the commonest of all offences tried by Deputy Magistrates, *viz.*, theft from a house or from the person, I have repeatedly noticed instances where a simple theft, if coupled with a previous conviction, has been punished with the maximum term of imprisonment, even where the previous conviction occurred eight or ten years before. Here the object of the section which provides for enhanced punishment for repeated offences is lost sight of, the intention being to

deter individuals from a tendency to become habitual criminals or to embark in crime as a means of livelihood. Deputy Magistrates act very frequently rather on the letter than the spirit of the provision, believing apparently that an act of dishonesty repeated perhaps after a long interval of blameless conduct, should be necessarily visited with very heavy punishment.

Again, in simple theft, unaccompanied by circumstances of aggravation, I have known a well known principle of penal law utterly misapplied. It is no doubt the case that a crime if prevalent in a locality, should be treated with greater severity than when its occurrence takes place at normal intervals. But there must be discrimination in such cases, and the measure of the sentence would probably be the resultant between various forces, *e.g.* the gravity or lightness of the offence and its rarity or prevalence in the locality. The judgment which can properly discriminate between these conflicting forces clearly goes astray when a boy is sentenced on a first conviction for the offence of stealing some pieces of firewood valued at a few annas from a wood depot, to 2 years rigorous imprisonment and a fine of Rs. 50, or in default to 6 months further imprisonment. I mention this particular case because I have had before me a large number of appeals, in which the same Deputy Magistrate, an officer of very high standing in the Service, imposed a similar sentence in convictions on the same facts.

On the other hand the tendency of the Native Magistrate is to treat offences against public justice far too leniently. In a district with which I was lately connected, I found that the inefficiency of the *Nizamut*\* Department with regard to the execution of decrees for money was a grave scandal to the administration of Civil justice. It is not too much to say that this branch of the judicial machinery was brought into almost open contempt. The attempts to realize a debt by the attachment of movables became hopelessly futile, and it was the rule rather than the exception for judgment-debtors of any standing or influence, assisted by their connexions or servants, to defy the efforts of the Civil Court peons to attach their property. The presence of the head of the process department was not always sufficient to check these outrages of the law, and cases repeatedly occurred, where, notwithstanding the aid of the police, the process servers and the agents of the decree-holders were beaten and maltreated. The reason for this deplorable state of things will be clear, when I mention that the Deputy Magistrates before whom prosecutions for resistance to public

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\* English readers will understand that this is the Department which deals, *inter alia* with the enforcement of decrees under the Superintendence of a Head Officer called a *Nazir*.

servants in the execution of their duty were instituted, were in the habit of punishing judgment-debtors and their abettors on conviction with a fine of from Rs. 5 to 10. Offences against public justice are, in all civilized countries, severely punished, although, as is apparent from returns lately submitted to the House of Commons, they are treated with much less severity in England than under the Continental Codes; but if such occurrences as I have described were possible in England at all, it need hardly be said that exemplary sentences would be passed, and the public would very soon demand the removal of any Magistrate who treated them as peccadillos. But the kind of public opinion which assists Government in the administration of justice is scarcely existent at present in Bengal.

The ludicrously perverse sentences to which I have alluded were not passed by one only, but by many of the Native Deputy Magistrates in the district in question, and not at one particular time but for a considerable period. It was pointed out to the Deputy Magistrates that if the realization of a debt (say) of Rs. 200 could be successfully resisted at the cost of the imposition of a fine of Rs. 5 or 10, a distinct premium was held out to lawlessness, for the respite obtained by obstruction until the slow machinery of the law could again be brought to bear on the defiant debtors, is cheaply purchased at so small a cost. The explanation, however, which was given in at least one instance, is in itself significant of the lack of logical and coherent reasoning which is occasionally met with among the native judiciary. The reason assigned for the inadequate sentences was, that the Civil Court peons were a class of Government servants of inferior position and education, and that their honesty and veracity could not be depended upon.

But the most remarkable illustrations of what an eminent French critic describes as the "*jugement saugrenu*" in criminal trials are derived from those cases where women are concerned. Many of the provisions of the Penal Code in connexion with offences against women are in real, if unavowed conflict with the instincts of the people, and Deputy Magistrates who I am sure conscientiously endeavour to carry them out, do so with the disadvantage of not thoroughly understanding or appreciating their spirit. There are no more salutary or efficacious provisions in the Penal Code than those devised to punish the hiring or procuring of female minors for the purpose of prostitution. But what will the Indian public think of the following case lately tried by an experienced Deputy Magistrate in executive and judicial charge of an important subdivision? A woman of immoral character, who had been reduced to a state of destitution by illness, had an illegitimate female child some 6 months old whom

she was unable to support. In order that the child might be saved from penury and even starvation, she executed a contract by which she pledged herself to make over her child in perpetuity, to be brought up and supported by two other prostitutes, a mother and daughter, the latter of whom was only eleven years old. There was a clause at the foot of the contract by which the mother bound herself to forego all future claims to any earnings the child might ultimately secure by any means whatever. It will be observed that although the last clause hints, if somewhat obscurely, that the destination of the child would be that of a prostitute, there can hardly be a case in which, if any offence be considered to have been established, a light sentence was more clearly indicated. The status of all the parties was the same; the probable destination of the child, by being handed over from one unfortunate woman to another was in no way changed; the age of the infant and the terms of the instrument shewed clearly that the main intention of the parties was to provide for the child's support, and finally there was nothing in the document which precluded the girl's ultimate marriage or employment in some honest occupation. The sentence, however, upon all the parties concerned including the child of eleven years old, was two years rigorous imprisonment and a heavy fine, in default, six months further imprisonment.

In that numerous class of cases where the villagers combine to punish a suspected adulterous intrigue by a false charge of theft, the prepossessions and instincts of the Bengali householder, especially strong in an Eastern country where the *jins mariti* is so powerful, and there are so many reasons for dealing severely with licentious offenders against the honour of the family, are frequently at variance with the laws of evidence. The whole of the witnesses in such cases probably depose to the capture of the *sôî-disant* thief with the stolen household utensils in a bundle under his arm. The sagacity of the Deputy Magistrate, aided by the inconsistencies in the evidence, generally bring him to a right conclusion as regards the falsity of the charge of theft; but it frequently happens that although the intrigue is strenuously denied by every one concerned, the Magistrate convicts of house trespass on the supposition or inference that an attempt to violate the matrimonial peace of the family had been made. It might be suggested that in such cases, waiving the question of the legality of the trial and conviction, a certain kind of rude justice is thus accomplished, but it must not be forgotten that the culprit has been found guilty of a crime he has neither been charged with, nor (a more important disadvantage) has had any opportunity to rebut.

I mention these instances of the "*jugement saugrenu*," not as typical specimens of trials conducted by native Deputy Magistrates, or as indicating that I think badly on the whole of their capacity for criminal judicial business. On the contrary, I am convinced that their average intelligence is considerable, and that most of them turn out a large proportion of honest, able and conscientious work. But they shew the class of cases in which mischief is constantly liable to occur—irreparable mischief—unless their judgments are subject to the supervision of an officer of experience, and above all, who has a competent acquaintance with the European system of jurisprudence. The sensitive moral perception combined with long experience in criminal matters, which I venture to think makes Civilian Judges efficient in criminal supervision, is at present the only safeguard which the natives of the country possess for the prevention and rectification of errors like those I have pointed out, which spring usually from honest ignorance or incapacity to apply a proper gauge to the punishment of crime. I do not for a moment compare the mental capacity or knowledge of law possessed by Deputy Magistrates with that of Sub-Judges, but is it fair to the people of this country that a class of officials, however able in their own line, should be, without preliminary training vested with the sole, final, appellate authority in a district, or that the vital interests of a section of the community should be imperilled by an experiment of so hazardous a nature? One of the most binding debts which as a Government we owe to the nation at large, as distinguished from the small proportion of the population who would appreciate the new régime, is that the criminal administration should be the best that can be devised; and no other consideration should be allowed to override the paramount importance of retaining tribunals which shall thoroughly enjoy the confidence of the country.

But it is with applications for criminal revision that Subordinate Judges would be at present most incompetent to deal. The cases which come before the Court under its revisional jurisdiction are precisely those in which experience of the criminal law and tact are most requisite. They are the kind of cases in which the pressure of the executive on Deputy Magistrates is occasionally exercised. The delicate questions involved in a trial after a declaration by a Magistrate of the District of a certain road being public, which is claimed as private, are of this category. The responsibility of the Magistrate for the peace of his district has frequently to be reconciled with the rights of individuals, and the attempts of rival landholders to secure some sort of recognition of a disputed title,

by invoking the assistance of the magistracy to place one or other in possession, often involve a decision by the Sessions Judge which is not palatable to the executive authorities. The possibilities of friction between the rival heads of the district would, it appears to me, be greatly increased by generally vesting Sub-Judges with these powers. Their inexperience must inevitably detract from the authority and respect due to their decisions.

But there is another department of a Judge's work which has yet to be considered, and this is what has been described by Sir Comer Petheram as the most important next to his criminal work. The question is then finally, whether Sub-Judges at present possess the weight, authority, and experience for efficient supervision of the subordinate offices of the Civil Courts. As regards their capacity for actual inspection of records and scrutiny of statements, I believe they are equal or superior to District Judges. But it is perhaps scarcely understood, and certainly has not been sufficiently elicited in the evidence, that the executive and administrative authority of a District Judge is very large, and that a strong, firm, and energetic administration is quite as necessary in a judgeship as in a magistracy. The subordinate judiciary, although they cope successfully with the heavy and generally oppressive mass of judicial business which falls to their lot, are not so fitted by education and training for dealing with the quasi-executive work which is incidental to their position. Cases frequently occur where witnesses have to be prosecuted for perjury and fabrication of false evidence ; cases where the stamp laws are violated, and where the defence discloses patent and avowed fraud on creditors, which bring the defendant within the scope of the criminal law. Vigour and prompt action are required to deal with emergencies of this kind, and here Munsiffs are sometimes lacking. The Civil Courts abound with opportunities for peculation and dishonesty among the subordinate officials, and especially in the department connected with the execution of decrees. Here, also, complaints constantly crop up which are hardly dealt with by the Munsiff with the stringency which the case demands. The complaints of the public though seldom heard,—for abuses must be very flagrant indeed before the Bengali suitor is aroused,—are not sufficiently inquired into, and when a subordinate has been detected in something approaching to fraud, inadequate punishments are often imposed from the mistaken leniency towards subordinates, which though an amiable weakness, is too characteristic of Bengali officials. Notwithstanding the progress of education, the influence of the Amlah class is still enormous. A Serishtadar, or even the clerk in the influential position of head of the execution department, enjoys

practical immunity from denunciation for malpractices because of the power he wields among all classes connected with the Court business. If a more than ordinarily courageous suitor who has been victimized makes a charge against him, the calumniated officer is generally supported by the entire native bar, and his assailant has practically to carry on the unequal contest single-handed. I find from a native paper \* that the complainant in a libel case against the editor of the "Shom Prokash" newspaper being a nephew of the Serishtadar, the entire body of local pleaders declined to appear for the defence; and illustrations of the same kind of combination, so out of harmony with the best traditions of the bar, have repeatedly occurred in my own experience. Unless the Munsiff or Sub-Judge is an exceptionally strong man, or is secure of the countenance of a European superior, criminal charges, against officers of the Court, however true they may be, generally break down.

A Munsiff in a remote village, where independent society of equal rank is not available, must of necessity associate, for the sake of companionship, with the pleaders of his Court, and even with his own subordinates. Intimacies are often, as it were, forced upon him which, without blame to himself, detract from the authority and independence which he ought to possess in matters of discipline as regards the bar and the employes of his own office. It frequently becomes necessary to transfer subordinates who have thus become too strong for their superior, and occasionally to recommend the transfer of the Munsiff himself. Then, again, a firm hand and much tact are often necessary in settling, sometimes in consultation with the District Magistrate, disputes which arise between the Munsiff and the Subdivisional Deputy Magistrate. Friction arising from jealousy between these functionaries is occasionally productive of serious mischief to the administration. The scandalous sentences imposed on persons found guilty of obstructing the processes of the Civil Courts referred to earlier, were distinctly traceable to this source.

Numerous inquiries were made by the members of the Commission from the various witnesses as to the preference or otherwise of native suitors for tribunals presided over by Europeans, and the replies made were, in my opinion, not altogether satisfactory, for the witnesses who stated the affirmative of the proposition were either unable or unwilling to give any specific instances. It appears to me that so far as this reluctance to give concrete examples<sup>o</sup> proceeded from a sense of the invidiousness of indicating such cases—the feeling is altogether erroneous. Applications for the transfer of cases, especially of a civil nature, from

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\* *The East*, November 17th, 1888.

the file of a Native to that of a European are common enough, and are generally founded on the fact, that when, as is often the case, the society of a small place is broken up into groups headed by influential residents, the local officer, unless he debars himself from society altogether, is sure to have unconsciously identified himself in the eyes of the public with one of these parties rather than the other. His impartiality may be undoubted, but owing, perhaps, to an intimacy with one of the principal partisans, dating it may be from a period before litigation arose, his decision, however just, could not be completely satisfactory. In recent years especially, since the introduction of the native régime into Municipalities, the normal incidents of party faction in Bengal towns have become greatly intensified and embittered by the introduction of parochial politics, and the enmity thus aroused sometimes spreads over an incredibly large area, and sinks deeply into the very heart of the native community. In the suits, civil and criminal, which are the unhappy outcome of this state of things, the existence of an absolutely impartial tribunal presided over by a European is a necessity. It is not that a Native District Judge might not be perfectly just, but his justice would never be acknowledged by the defeated party, for the simple reason that he does not, like the European, live in a sphere which is practically segregated from contact either with the tattle of the bazaar or the gossip of the local magnates. This isolation from the turbid currents of local partisanship appears to me to be, although unsought, and therefore in no way especially to his credit, one of the most useful characteristics of the European Judge.

In order that there may be no possibility of doubt that such applications for transfer are made, and as indicating the nature of the social or religious difficulties which call for the interference of the European, I mention the following which have all occurred within the last year. In one of these cases a wealthy native banker brought a suit for breach of contract against a theatrical company for non-performance of an entertainment on the night for which they were engaged, the defence being a prior contract with the principal Zemindar resident in the station. The latter naturally supported the company in their defence, but so keen and widespread was the feeling on one side or the other, including all or nearly all the native officials in the town, that the Subordinate Judge himself as well as the parties proposed that the case should be tried by the District Judge. In another case where an intricate question of the Mahomedan law of marriage was concerned, the parties being wealthy and influential, which had been decided by a Mahomedan Munsiff, both parties applied for the transfer

of the appeal from the file of a Hindu Sub-Judge to that of the District Judge ; and in a third case where a Hindu convert to Mahomedanism sued for restitution of conjugal rights and the suit was pending in a Munsiff's Court, application was made for its transfer to the court of the District Judge on the ground that public feeling was so keenly aroused, that there was likelihood of the witnesses being terrorized, and that the Munsiff, a Hindu, was naturally prepossessed against the plaintiff.

## V.

Turning now to a different branch of judicial reform, and one which may be considered quite apart from any question of nationality, we come to the question of the propriety of the present mode of recruitment of Munsiffs. As regards the general ability of the Munsiffs as a class, there is practical unanimity among the skilled witnesses, and it is far from my object to sound a discordant note amid the general chorus of praise. But it is admitted on all hands and is, indeed, a matter of common experience, that there are wide differences in the capacity of Munsiffs recruited under the present system. I am surprised to find from the remarks of Sir Charles Turner, that in Madras pleaders in the receipt of a professional income of Rs. 400 to 600, a month are frequently candidates for the Subordinate Judicial Service. In Bengal it is unquestionably rare to find a pleader in the receipt of even Rs. 200 or 300 a month, who will sacrifice his prospects for the drudgery of the bench, tempered though it be by security of income and pension for declining years. There are many reasons for this. I have long ago pointed out that if it is desired to attract abler men into the Judicial Service, it is necessary to allow the candidates to forego short acting appointments at remote and unpopular stations without prejudice to their ultimate absorption in the permanent grade. It is the year or two of noviciate before they obtain a lasting appointment, which frightens away many able and promising candidates. They do not care to face a more or less protracted interval of uncertainty, penury and discomfort, their practice at the bar ruined, and their families scattered, and the fitful allowances drawn from Government quite insufficient for their support.

The mode in which Munsiffs are selected is certainly capable of improvement. At present a pleader who has obtained the degree of B. L. at the University, and who proposes to adopt a judicial career, has only to attach himself nominally to one of the District Courts, and he will be qualified after three years so-called practice to obtain a certificate from the District Judge. Armed with this certificate and his University diploma, he is entitled, I believe as a matter of right, to have his

name placed upon a list of candidates retained in the High Court, and appointments to Munsiffships are usually made strictly by seniority in accordance with this list. As observed on an earlier page, the most efficient men at the bar do not apply for such employment. At the same time the number of applicants in each district is sufficiently large to allow of very wide intervals in the relative abilities of the candidates. It is also a fact that the combined list of candidates for Munsiffships kept in the High Court is a long one, and as the bar is very popular and is becoming more and more overcrowded, the number of the pleaders, including many able and well informed men who are unable to secure adequate practice at the bar, and who desire to obtain Munsiffships, is likely to increase. As it is, candidates whose names are registered do not obtain permanent employment for many years. The only authorities who possess adequate opportunities for deciding whether a particular candidate is suitable for employment in the Subordinate Judicial Service, are the Judges before whom he practices. I would suggest, therefore, that the list of registered candidates for each District be revised annually by the High Court in accordance with the information they derive from the report of a local Committee consisting of the District Judge and the Sub-Judges of the district. It seems to me clear that when the list of candidates is so large as to afford ample opportunity for selection, the public have a right to expect that only the best of the candidates shall be appointed. I think a report should also be submitted of those candidates who are willing to accept permanent and long acting appointments, but who are disinclined to fill up temporary gaps; and if candidates who can afford to forego short appointments are allowed to retain their right to permanent posts, I am convinced that the Subordinate Judicial Service would not only attract far more efficient recruits, but would be greatly strengthened by the elimination of candidates whose only recommendation is, that they have passed the B. L. examination, and have nominally practised for 3 years in the District Court. The recommendation made by several of the witnesses examined before the Commission that the recruitment of the Subordinate Judicial Service should be effected by a competitive examination does not commend itself to me as nearly so efficient. In the first place a competitive examination is likely to prove extremely unpalatable, as I have found by personal inquiry, to men of the age, position and standing of the Pleaders whom it is desirable to attract. In the second place I do not think presumptive fitness for the multifarious duties of a Munsiffship can be so adequately tested by a competitive examination as by a report of the Committee I have suggested, who have ample

opportunities of estimating the integrity, abilities and business-like capacities of the candidates from actual observation of their work.

There is another phase of the same subject which has received some attention at the hands of the Commission. The question was mooted, whether it was desirable to recruit the Subordinate Judicial Service from among the ministerial officers of the Courts? There is the high authority of Mr. Justice Prinsep for the opinion, that such appointments are not, as a rule, desirable. The further consideration, whether by allowing ministerial candidates in certain exceptional cases to be deemed eligible for Munsiffships, the establishment of the District Judge is not thereby very greatly improved and strengthened, was not however discussed before the Commission. There can be no doubt that for the higher appointments in the Judge's Court, the services of men of position and integrity, who have passed the B. L. examination are of very great value, and in my own experience have contributed to raise the standard of zeal, honesty and ability in the Judge's Court to a point to which it is not possible to attain merely by the promotion of subordinates who do not possess either the social position or the conscientiousness which is, upon the whole, characteristic of the class of men who receive a University education. I think, therefore, that the enlistment of such candidates should not be discouraged by any announcement that the acceptance of ministerial service will preclude the attainment of Munsiffships to which, by remaining at the bar, they might hope to aspire.

In connection with what has been urged in a former page, as to the desirability of entrusting a limited portion of the powers of District and Sessions Judges to a Sub-Judge as a tentative measure before he is vested with full authority, such limited appointments, if they are to be made, might be so utilized, as greatly to increase the usefulness of a District Judge in other ways. The importance of a frequent and stringent inspection of Lower Courts by the District Judges has been pointed out by many high authorities, and it is even remarked that unless all the offices subordinate to him are inspected at least once a year, a District Judge would fail in his duty. It is however perfectly well known that in many, if not the majority of districts, it is impossible for a district Judge, consistently with the proper performance of his judicial duties, to make these frequent inspections. In some districts, Sessions cases, Criminal appeals and Criminal revisions are so numerous and occupy so large a portion of his time, that a Judge who wishes conscientiously to dispose of this branch of his work to the satisfaction of the public and of the High Court

itself, finds it difficult to secure leisure for any inspection at all. Thus it happens that in the heaviest districts, where inspection is most necessary, a Judge is exceptionally hampered by the pressure of his judicial work. Such inspections as are actually made are too hurried to be of much use. A thorough insight, not only into the mode in which Munsiffs try their cases, but also into the whole working of the office, the efficiency of the various ministerial officers, the working of the execution department, the promptness or otherwise of the service of processes, the character of the Civil Court peons, and the supervision and control of his subordinates exercised by the head of the process department, cannot be accomplished in the brief visit which is now customary. It is necessary that the outside public, and especially the local bar, should be consulted as to any grounds of dissatisfaction which exist in any department of the office. It is not easy at first to find out in what direction the machinery is out of gear, but it is often possible to avert a scandalous breakdown by close and minute inquiry into matters which are just beginning to go wrong. When there are two or more Munsiffs at a station, there is often some friction between them as to the joint control of the office and the distribution of the work, which can be better remedied by consultation on the spot than by many weeks' correspondence.

There is another portion of a Judge's charge which is perhaps the most unsatisfactory, both to himself and the public, of all his multifarious duties. The District Judge has the sole authority to appoint guardians to minors, and as the law at present stands, there is no provision for taking security from the guardians. The only available guardian may be a distant relation of the minors, whose interest it is to squander the trust property for his own selfish ends. The provisions which have been devised to check malversation and extravagance are practically inefficacious, if not absolutely nugatory. The obligation to file accounts is useless, because there is no means of ascertaining whether they are correct or not. The minor may no doubt sue the guardian either through a relative or after the expiration of his minority, but even if malversation is proved, it is generally impossible to obtain pecuniary compensation. Applications for the removal of a guardian on the ground of dishonesty are frequent.\* Many of them are proved on evidence

\* In the district of Dacca, 78 certificates of guardianship were taken out in the year 1886, and 11 applications were made for revocation of certificates, on the ground of fraud or extravagance. In the year 1887, the numbers were 50 and 7 respectively. The data which a Judge often obtains accidentally of instances of malversation, are not sufficiently precise and indisputable to allow of his taking action *suo motu*; but there is no doubt that abuses of trust occur which never come before the Court at all.

to be only too well founded, but it is by no means uncommon that the guardian next appointed turns out to have been actuated, not by a desire to further the interests of the minor, but to obtain a share in the plunder before it is completely squandered. The reckless indifference to a minor's interests, which often characterizes guardians appointed under the Act, is further exemplified by the numerous applications made to sell or mortgage a minor's property in order to liquidate debts, and to defray the expenses of education or marriage. The statements by which these applications are supported are generally *ex parte*, and a Judge, whatever his own misgivings may be, has seldom any option but to grant the application, and to become himself, in many cases, an unwilling, but none the less real accomplice in diminishing the minor's assets. The result however of the Courts imprimatur is still further to hamper the estate by creating interests in third parties, and to defeat any ultimate effort of the minor, on attaining majority, to obtain restitution. The estates which thus come under the control of the District Judge are, no doubt, less rich and important than those which are managed by the Court of Wards for which there is an efficient and constant system of control, but there appears no good reason why the less valuable properties should be left practically devoid of effectual and honest supervision. Many of these estates are, although not large enough to come into the hands of the Court of Wards, of considerable annual income. I think the facts above represented disclose a strong case for remedial action, and the only effectual means of safeguarding the interests of minors, is by personal and local enquiry into the way in which guardians are carrying out their duties. A District Judge ought, for instance, to satisfy himself that the estate is not being unnecessarily encumbered with debts, that the ancestral buildings are preserved intact and in a proper state of repair, that surreptitious mortgages and loans are not being contracted, and that the minor's education is not being neglected. The effect of recent legislation is still further to increase the administrative duties of the Judge. Under a clause of the new Tenancy Act, he is empowered to appoint a common Manager of estates when the co-proprietors cannot amicably agree to collect the rent jointly. In these cases a short inquiry on the spot will often save much protracted dispute in Court. Another valuable mode of utilizing the mofussil tour of a Sessions Judge, would be by entrusting him with the duty of inspecting the offices of Subordinate Magistrates. The subject is too wide reaching and too likely to excite difference of opinion and controversy to be more than very briefly touched upon, but at first sight it would appear that if the

examination of a Deputy Magistrate's office was restricted purely to his judicial work, the supervision of which, as it is, falls upon the Sessions Judge and not on the Magistrate of the District, the authority of the latter would not be in any way superseded or impaired. For this kind of work the Sessions Judge ought to be well qualified, and he would then be in a better position than he is at present to advise the Government as to vesting particular officers with various powers under the Criminal Procedure Code, on which he has frequently to give an opinion without any adequate data.

If then the District Judge is to be looked upon not only as the judicial head of the district, but as the administrator of the district for judicial purposes, it is necessary that he should obtain more leisure to carry out efficiently his supervision into such matters as I have briefly sketched. And if an attempt is to be made to give effect to the scheme of the Commission as regards the promotion of Sub-Judges, the training of a few selected officers for the position they are ultimately to occupy, could be advantageously so utilized as to allow time to the District Judge for inspection work.

As I have suggested earlier, the commencement of a Sub-Judge's noviciate should be the performance of the duties of Assistant Sessions Judge. Sessions trials do not, as a rule, involve much difficulty and complexity; and in cases tried with assessors, there is always an appeal on the facts. If any particular case is thought by the Sessions Judge to be beyond the powers of the Assistant Sessions Judge, it would be easy for him to retain it on his own file, but the majority of cases are such, as after a little experience a Sub-Judge may be fairly expected to deal with satisfactorily.

## VI.

To sum up the result of the foregoing considerations, I consider that the proposals of the Public Service Commission involve injustice to the Covenanted Civilians, to certain members of the Statutory Civil Service, and to the public at large. I believe that it will be found impracticable to recruit the District Bench from English barristers and advocates and from pleaders of the High Court, because, even setting aside their lack of training in office work and administrative experience, such appointments would not be accepted by individuals who, to quote the words of the report, "suitable in other respects, and have shewn distinguished ability in the exercise of their profession for a period of not less than 10 years." I also believe that the number of Sub-Judges who are fit to be raised to the position of District and Sessions Judges is at present small, and that even the few who are entitled to such promotion could not be satisfactorily raised "per saltum" to a District Judgeship,

but must pass through a period of probation as Assistant Sessions Judge. This probationary period would no doubt vary in different cases, but considering their total lack of training in criminal work, some years must necessarily elapse before any appreciable number of the District Judgeships could be so filled.

Is it then desirable to admit Natives at the present time more freely into executive and judicial posts, including those now held by members of the Civil Service? Unquestionably it is, and not only desirable, but a political necessity. Fortunately as it appears to me, the present system, with the proposed modification, will effect this object without having recourse to any of the heroic remedies above criticised, all of which are, as I have endeavoured to show, objectionable, as introducing a violent disruption of the chain of promotion among the members of the various services to appointments hitherto linked together on a homogeneous system. The main channel through which the Civil Service always has been and always ought to be recruited is the competitive examination in London. The best proof of presumptive fitness for high office that can be given by natives of India has been declared, by high authorities, over and over again, to be their success in this examination. They will have already given weighty proofs of their strength of character superiority to the ancestral prejudices of their race and country, and moral courage by their journey to England, and the fact, that, notwithstanding all the drawbacks incidental to their position, the temptations and disadvantages attaching to their exile in a foreign country, they should win a place in the ranks of the selected candidates, affords high promise that in future years they will exhibit the same qualifications for honest, upright and energetic administration which are characteristic of the Civil Service at large. The Bengali members of the Civil Service who have successfully passed this ordeal, few in number as they are, have in the opinion of competent critics completely fulfilled that promise, and have shewn in the performance of their riper years, not only the ability but the administrative vigour which can alone be called out in those crises of an official career which must sooner or later test the moral fibre of every Indian Civilian. That the number of successful native competitors is at present small, is admitted on all hands to be due to the lowering of the maximum age of the candidates to 19 in the year 1878. Since that year only 4 native candidates have proved successful, of whom 3 have been appointed to this province. There can be no doubt that this lowering of the maximum age of candidates has, whatever be the reasons which justified it, practically closed the door to the élite of the educated classes, and has proved a death-blow to the legitimate aspirations of the country.

The reasons specified in the 62nd paragraph of the Report for fixing the minimum and maximum age at which Indian candidates should be allowed to compete, are unanswerable. They observe with truth that "the present limit is too low to admit of natives completing an education in India so as to compete with reasonable prospects of success at the English examination." They dwell upon the aggravation of the difficulties attendant on an examination conducted in a foreign tongue, by the fact that the natives have to present themselves "at an age when their English studies and their general education must necessarily be very incomplete." There can be little doubt that the extreme hardship to natives involved in the lowering of the maximum age was not recognized when the revised rules were promulgated. The Commission were naturally at a great disadvantage in discussing the question of raising the age limit, because their instructions precluded them from taking into consideration the conditions attaching to English candidates. The Commission, however, take their stand on the views set forth by Lord Macaulay's Committee in 1854. They admit that those views were directed rather to the qualifications of English candidates, but they indicate with sufficient clearness, that notwithstanding the possibly unforeseen introduction of the native element, these views should still be the guiding principles for regulating the examination. With regard to native candidates, they "unanimously and strongly recommend" that the maximum age limit should be 23 years. They observe that "the larger and more complete their English training is, the greater will be their grasp of the economical and political principles of administration."

If this wise and well considered recommendation is adopted, I believe that not only will the legitimate claims of natives to a fulfilment of the pledges repeatedly given by Parliament be satisfied, but a dangerous and wide-spread feeling of discontent will be removed, the more dangerous because it is well-founded.

Rightly or wrongly, the educated community of Bengal believe that the reduction of the maximum age limit was intended to frustrate Native competition. Whatever the object, this has been its undoubted effect, and the removal of this grievance will do more than all the other recommendations of the Commission to induce a belief among the people, that it is really intended to admit them to a fair share of the government of the country. The admission of individual natives "per saltum" to some of the higher posts of the administration will, in reality, satisfy very few, while the appointments themselves may frequently be canvassed in a hostile spirit. Accusations of favoritism and undue influence will

be common ; the claims of rival candidates, especially of candidates belonging to different religions, will prove a fruitful source of discord ; and if there is, as there must at present be, an undue proportion of Hindu as compared with Mahomedan nominees, the recent outburst of hostility and jealousy between the two great divisions of the Indian community must be intensified. Local administrations will find the task of nomination invidious and difficult, and each appointment will cause an appreciable amount of heartburning and discontent among the members of the Civil Service who are from time to time superseded.

On the other hand, I believe that the bulk of the educated communities of India will be quite satisfied to enter the ranks of the Imperial Service through the avenue of competition, an avenue which if the age limit of natives be raised, is wide enough to admit every year a large proportion of Indian candidates. When the conditions of the contest have been equalized, it is impossible not to foresee a time when the immense population of India, with its yearly increasing proportion of educated youths, will acquire by this legitimate channel an adequate share of the best appointments in the country. The perils and discomforts of a journey to England are, in the eyes of the most advanced and enlightened of the native community, yearly diminishing in their influence on the population. Many of the native gentlemen who have visited England declare, that they have never known or felt what it was to be excommunicated, and there can be no doubt that among the modern alumni of the colleges of Bengal and even Upper India, the fear of losing caste is a feeling which is practically dead. It appears to me therefore, for all reasons, that the recommendations of the Commission with regard to the age of Native candidates fulfil all the requirements of a "scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of the natives of India to higher and more extensive employment in the public service."

It is, however, a necessity of the present stage of the controversy, that the finality here suggested must be a real finality. The native public should understand on the one hand, that by making every reasonable concession to facilitate the admission of native candidates, Government have done all that is incumbent on them to fulfil once for all the pledges which have been so often quoted. On the other hand, even if the raising of the maximum age and the alteration of the system of marking for Sanskrit and Arabic should ultimately result in a larger influx of natives than has hitherto been contemplated, there should be no withdrawal of the boon, no tampering with the conditions

on which the contest is fought. The native public is entitled to demand a fair field and nothing more, but when this has been tardily conceded, the consequences, whatever they may be, must be faced in a wise and statesmanlike manner.

The Commission in the final paragraph quoted at the commencement of this article, contemplate a delay of at least a generation before the full effect of its proposals is felt. It may be a generation before the native public absorb the share of appointments in the Covenanted Civil Service which will be fairly proportionate to the educated population of the country. It may be longer still before they rise to the highest offices of the administration, but if the conditions of competition now recommended are unfalteringly accepted and adhered to in the future, the Indian public will have no right to complain of any scintilla of injustice, whatever the interval that elapses before that goal is reached.

Misgivings have been expressed by more than one witness that under the system of competition suggested, one race, which has outstripped all others in educational attainments, will tend to absorb nearly all the posts obtained by Indian candidates. Whether this be an evil or not need not be considered, for in the present state of public opinion, it is inevitable. It is not improbable, if the age limit is raised, that before many decades are passed, the majority of the appointments in the "Imperial Service" of Bengal will be held by Bengalis. The "children of the soil" will have obtained their birthright—a birthright which, as years go on, we of the dominant race have less and less reason for grudging them. India is not now the El Dorado of the Englishman, and the particular province which is likely first to fall out of the grasp of English administration, has little of the attractions which in former days reconciled our predecessors to exile in the East. If it be true that the road to hell is paved with good intentions, then the plains of Bengal are strewn with the Dead Sea fruit of disappointed hopes. The Bengal of the past has disappeared; the halcyon period when the work to be performed was fairly proportioned to the time available for doing it; when honest, selfdenying, capable administration received its recompense, not only in the tangible rewards of quick promotion, but in the more lasting form of the gratitude of the people, and before the ever dwindling currency destroyed the hope of a moderate competence on retirement. The young Civilian who comes out full of generous aspirations and kindly feelings for the people of the country, will not always find these sentiments reciprocated by the native community. These are not the days when even the good deeds of a Cleveland or a Nicholson would be enshrined in the hearts of the people. He will discover that years of

unsullied integrity, of honest, conscientious and ill-recompensed work, will hardly avail to save him from acrimonious criticism; that for his virtues there will be blindness, and for his weaknesses microscopic insight.\* The unceasing toil which is now the lot of the Indian Civilian leaves little time for the relaxation of former years, relaxations which alone rendered existence tolerable in the humid and depressing climate of Bengal—the most unsuited to a European of all the provinces of India. The modern facilities for visiting England at frequent intervals—at first sight an alleviation of the Indian exile—in reality operate as emphasizing still more cruelly the absence from kith and kin, and the ennui of the small mofussil station, with its narrow range of sympathies and its weary humdrum of official routine,—the lack of all that satisfies the literary or artistic requirements of a healthy mind, the absence of the stimulus of educated society and the negation of “sweetness and light.” What wonder if disillusion rapidly succeeds to joyful anticipation amid these environments? To the many members of my own Service whose entire life has been passed in the isolated and dismal stations of Eastern, Northern or Central Bengal, to the majority who have by wider or shorter intervals failed of that recognition of ability and streak of good fortune, which would have placed them amid happier surroundings and more congenial work, it cannot be a matter for regret that the administration of the Government in the districts of Bengal should fall in the future to the race whose natural heritage it is, rather than to their own countrymen.

T. D. BEIGHTON

# THE QUARTER.

## THE WEST.

### *Foreign Politics and Events.*

IT can hardly be said that the past quarter has improved the chances of peace. So long as France fails to develop political stability, so long as Germany holds Alsace-Lorraine, so long as the Balkan peninsula question remains unsettled, and so long as there is no check to Russian ambition but the difficulty of obtaining money, it would be rash to say that there is no likelihood of war.

Russia is increasing her armament on the frontiers of Austria and Germany, and it is partly, no doubt, to meet this expenditure that an Imperial ukase has been published, which sanctions a four per cent. loan of 125 millions of gold roubles for the conversion of the loan of 1887. The semi-official journals of Berlin have exhorted all Germans to hold aloof from this loan, stating that it is merely a cloak to cover the wide political aims of the Russian Government. As to France, M. Freycinet, speaking in the Chamber of Deputies said it was useless to expect any reduction in the extraordinary budget of the Ministry, and he told the Chamber that they must be prepared to make exceptional efforts for the defence of their country. Owing to the increases in France and Russia, the Germans also are increasing their artillery. Possibly the Czar would not be averse to war as a safety-valve for Nihilism and Socialism. The discovery of a Nihilist bomb factory in a cellar in Cracow, and the derailment of the Imperial train (when the Czar was wounded in the foot and the Czarina in the hand), show that those terrible forces are never at rest. England, too, is improving her national defences. Guns to the extent of a million sterling are under manufacture, and the Martini rifle will shortly be replaced by the best magazine rifle in the world.

The Emperor of Germany's visits to Rome and Vienna have not tended to reduce the tension of feeling between France and Germany. It is said that at the Court dinner at Vienna, the Emperor put down the *menu* without reading it, on seeing that it was written in French. As to the result of his interview with the Pope, there are contradictory accounts ;

but as to the success of his visit to Rome, there can be no manner of doubt; and the greatest enthusiasm prevailed amongst the people owing to his visiting the Pantheon for the purpose of laying a wreath on the tomb of Victor Emmanuel. Between England and Italy, too, the most cordial relations continue to prevail. Signor Crispi has said that Italy cannot do without England, nor England without Italy. In case of war, Italy would be very much more than an ornamental ally to England.

On the other hand the relations between France and Italy continue to be strained. The Italian Government have disputed the right of the Government in Tunis to issue a decree for the inspection of the Italian schools there, and threaten to retaliate by inspecting French schools in Rome. France, itself, is in a state of unrest and pending changes. There have been two dynamite explosions in Paris, probably the work of Socialists. The decree ordering the registration of foreigners has been received as a proof that the French Government is taking further precautions against spies; but it really appears to be the first instalment of a promise to prevent undue competition with French labour. Possibly the hand of the Government has been forced by the bread riots in Paris. It seems clear that there will be some revision of the constitution. The Revisional Committee of the French Chamber has reported, by a majority of five to three, that it would be advisable to abolish both the Senate and the Presidentship; failing that, the financial control of the Senate ought to be modified, and the suspensory vote abolished. The feeling of a large portion of Paris may be gauged by the procession to the tomb of M. Baudin, the defender of the barricades in 1851. The revolutionary spirit in France is not likely to be softened by the introduction of an income-tax.

By no means the least important political question at the present moment is the establishment of some *modus vivendi* between Canada and America in the matter of the Fisheries. Sir John Macdonald of Ottawa stated his belief that, when the Presidential election was over, the Americans would be desirous of reviving the Fisheries Treaty. If, however, they still adhere to its rejection, Canada will be amply justified in falling back on the Treaty of 1818, (which forbids foreign vessels to fish within three miles of the coast), provided she agrees to an arbitration to settle the legal interpretation of the Treaty. The American attitude seems to be one of "might is right." They don't want any bargains. They are sixty millions, while Canada is only five; and therefore, they are twelve times more entitled to have their own way.

The Sackville incident has been said by Lord Salisbury (with that *curiosa felicitas*, for which he is conspicuous) to belong rather to the history of electioneering than diplomacy; the cause of complaint against the British Ambassador was individual rather than national. The demand for the recall of the ambassador is said to have been based on some expressions used by him to some newspaper interviewers, which seemed to impute discreditable motives to the President in the matter of the Canadian Fisheries. But it is hard to believe that a highly-placed diplomatist could have been so indiscreet.

The Manitobans have tried to carry their Red River Valley extension across the Canadian Pacific Railway by force. The case is now before the Supreme Court of the Dominion; but the Manitobans are blustering and saying that, decision or no decision, they will have the line.

As regards Egypt there have been two motions in the House of Commons. Mr. Morley advocated the abandonment of Suakim. Sir James Fergusson urged that the place was useful in the suppression of the slave trade, and that the people there could not be abandoned to the mercy of the Arabs. Lord Randolph Churchill moved the adjournment of the House as a protest against involving England, with an inadequate force, in operations at Suakim. Mr. Stanhope maintained that the troops were sufficient, and that the policy in regard to Egypt remained unchanged. Both motions were rejected by majorities of 35 and 42 respectively. Recent events have shown that the troops at Suakim are barely able to hold their own.

The suppression of the slave trade on the East Coast of Africa is to be vigorously carried out. Lord Salisbury in the House of Lords said the Government had decided to comply with the German request to co-operate in the task of preventing the importation of arms and the exportation of slaves. Possibly Germans will not fully appreciate the humour of the recent cartoon in *Punch*, which more than hints that Germany is not much concerned for the sufferings of the slaves, but does care a good deal about having more colonial outlets for her surplus population. Humanitarians, however, will not blame Lord Salisbury for the step he has taken. England is not alone in the matter; Italy, France, and Portugal are all aiding in the blockade, and a regular cordon of gunboats is to be established from Suakim to Mozambique. It is reported that Emin Pacha's troops have mutinied, and delivered him and a white traveller, who is believed to be Stanley, over to the Mahdi.

An agreement has been signed by the North British Borneo Company Rajah Brooke of Sarawak, and the Sultan of

Brunei, accepting a British Protectorate over their respective territories. A British Protectorate has also been proclaimed over the Hervey group in the Pacific at Raratonga, the principal island of the group: also over Savage Island.

General Sir Henry Norman, Governor of Jamaica, has been appointed Governor of Queensland in place of Sir Henry Blake, who resigned his nomination owing to the objections of the Queenslanders.

Other miscellaneous events worthy of note are the petroleum explosion at Calais; the terrible railway accident at Grassana in South Italy by the falling of a vast mass of rock on a train; the long drought in Australia (rain has since fallen); the murder of Major Barttelot by the Manyemas; the visit of the Dowager Empress Victoria of Germany and her daughters to Windsor Castle; the great demonstrations of students, intermixed with Republican agitators in Madrid against Senior Canovas and other Conservative leaders; the arrest of Dinizulu; the capture of Wadai in the Soudan by 70,000 Mahdists; the publication of Sir Morell Mackenzie's book, answering the charges of the German doctors, and its vigorous confiscation by the Berlin police; the prosecution of Professor Geffken in connection with the publication of portions of the late Emperor's diary; the dissolution by the Servian Metropolitan of the marriage between Queen Natalie and King Milan; and the election of General Harrison as President of the United States.

### *Home Politics and Events.*

The most thrilling events of the quarter have been the "occasional deviations from humanity" in respect of a certain class of human cattle in Whitechapel, and the recital of similar deviations before the Parnell Commission. The number of the former deviations is only seven: of the latter legion. Of the many surmises regarding the Whitechapel butcheries, the press seems to have given prominence to those that are most unclean. Even the "poor Indian" has not escaped suspicion—owing to the discovery of blood-stained *kukries* in a house in Kensington! A narrative might be constructed out of this suggestion, more thrilling than "the Moonstone" of Wilkie Collins. In such cases it is important to satisfy the public that the utmost possible is being done, and Mr. Matthews, we think, might well have broken the rule as to not giving rewards.

Whatever may be the result of the Parnell Commission as regards particular individuals, the English nation has been so shocked by the recital *en masse* of all the hideous and revolting details of agrario-political crime in Ireland, that future Governments, whether Liberal or Conservative, will probably experience

little difficulty, should occasion arise, in strengthening the forces which have to deal with crime. The Commission are doing their work in a thorough manner. They have ordered the production of the books of the Hibernian, National, Leinster, and Munster Banks for the purpose of examining the accounts of the accused persons, and the President refused to make any exception in the case of Egan and Miss Anna Parnell. Captain O'Shea has stated his strong belief that several letters, including that relating to the Phoenix Park murders, were signed by Mr. Parnell. The memoranda regarding the Kilmainham compact were destroyed at the instance of Sir W. Harcourt, on the advice of Mr. Gladstone, in view of a Parliamentary Committee. The witness also deposed to Mr. Parnell having declared his power to stop outrages through Sheridan, Boyton, and others; he believed till June 1887 that Mr. Parnell was a man of the highest motives, but this belief had since been absolutely destroyed. Avowed Fenians have testified to outrages in which they took part. "*Magna est veritas*," but, unfortunately it does not always prevail. Let us hope that, in this case, we may add, "*et prævalebit*." The matter is not, or should not be one of politics or party: the struggle is between order and anarchy, civilization and savagery, the arm of the law and the arm of the murderous assassin. If legal complicity is brought home to any particular persons—and the *Times* says that this can be done—then it must be the wish of every loyal and right-thinking British subject, whether English, Scotch, or Irish, that the law should take its course. If only moral complicity be proved, the atmosphere will at least have been cleared, and society will be the gainer by the publicity of the disclosures.

Mr. Balfour bids fair to equal Disraeli and Mr. Gladstone in the field of oratory. His "patent and painstaking pulverisation" of the Mandeville myth has been by far the most remarkable speech of the quarter. Doing without breeches may dispel some of the romance of martyrdom, but still it is martyrdom. Guzzling sandwiches, however, cannot be brought within the pale of martyrdom, especially if, as seems probable, they were good thick savoury sandwiches!

As regards the Irish question generally, Lord Salisbury says the Government has never felt more resolute or more confident of success. Lord Hartington, speaking at Huddersfield, said that recent legislation had removed every Irish grievance, and it was intolerable that the Opposition should continue to obstruct legislation useful to the whole Empire, by keeping the Irish question still to the front. It is too much to say that every Irish grievance has been removed; but the grievances of English, Scotch and Welsh farmers also want looking to. The Separatists

seem to have lost strength. It has been pointed out that the Scottish Union (which no one regrets now) failed to commend itself, after it had been in existence for many years, to David Hume. The two countries knew they were indissolubly united, and it came naturally to the sensible and practical genius of Scotchmen, to resolve that it should be union for the better.

Mr. Gladstone has announced his determination not to retire till the Irish question is settled. His bill for dealing with arrears was rejected by 330 to 246 votes. It seems to us that the Conservatives must do something as regards (1) rents which are still too high, (2) arrears which are practically irrecoverable. The extension of Lord Ashbourne's Land Purchase Act will confer incalculable benefits on the Irish tenantry; but the rent question must be settled. The difficulty consists in having to interfere with *judicial* rents—a difficulty which can be thoroughly appreciated by the Indian and Anglo-Indian mind.

The Commission of Inquiry into the Metropolitan Board of Works scandals has issued an interim report which recommends legislation, making it penal to offer payment to members or officials of public bodies in connection with matters relative to the affairs thereof. Fancy this not being an offence in any country! England had better borrow our Penal Code, or the Code of some continental country.

Sir Charles Warren has resigned the Commissionership of Police, being succeeded by Mr. James Monro, late of the Bengal Civil Service. The latter is said to be on the track of the Whitechapel atrocities, and if the perpetrator be discovered, Mr. Monro will no doubt get his K. C. B. Sir Charles Warren's claim to disregard the instructions of the Home Office indicates to our mind that Mr. Matthews was not to blame, though he is being attacked by the Press in a follow-my-leader sort of style. In Bengal, it would be considered monstrous if the Inspector-General of Police or Commissioner of the Calcutta Police refused to acknowledge the superior authority of the Chief Secretary to Government in the Police Department; and it was no doubt unconstitutional for Sir Charles Warren to attempt to make himself independent of the Home Office.

The Report of the Currency Commission has been issued. A majority of its members have recommended the immediate adoption, by international agreement, of measures which will bring about a stable ratio between gold and silver. The minority, who do not endorse this view, attribute the dislocation of the relative values of gold and silver, not to excessive production of the latter precious metal, but to the discontinuance of the arrangements which existed prior to 1873. Even Mr.

Houldsworth has been converted to bimetallism by the evidence given before the Commission.

There has been a protest against competition in the *Nineteenth Century*, and a rejoinder in the *Universal Review*. There seems to be something in the protest, but no alternative is suggested. In Bengal, now-a-days, it seems to be considered that it is as great a recommendation to be a "Fail C. S." as a native *unmedwar* considers it to be a "Fail F. A." It is certainly not pleasant always to be in a state of examining or being examined, but perhaps even that is better than "shewing cause"; and it is difficult to imagine any possible situation or combination of circumstances in Bengal in which one is not either compelled to show cause, or given the opportunity of shewing cause, or allowed to make some one else shew cause.

There has been a great strike of colliers in Yorkshire, and the owners have had to yield to the demand for increased wages. This is a bad thing for the general consumer, increased cost of production meaning a dearer product and less consumption.

#### *Miscellaneous.*

The Lords have passed the Bill for the extension of the Land Purchase Act; also the Oaths Bill. The Government will proceed with the Bills for the Appointment of the Probate Duty in Ireland and Scotland, the Excise duties for Local Purposes, the Employers' Liability, and Scotch University Bills.

In the case of Sir John Pope Hennessey *versus* the *Times*, a nominal verdict has been returned by consent. The *Times* apologizes, and pays costs.

Mr. Sheehan, M. P. for Kerry, has been sentenced to one month's imprisonment under the Crimes Act, for advising the adoption of the Plan of Campaign. Mr. Edward Harrington, M. P., Proprietor of the *Kerry Sentinel*, has been fined £500 by Sir James Hannen for contempt of Court, in saying that the Parnell Commission was the creature of the Government and the *Times* newspaper.

Mrs. "Gordon-Baillie" will be able to help the crofters no longer—at least not for another five years, unless she should be let out on ticket-of-leave before her sentence is up. Her dupe and accomplice, Frost, has been sentenced to 18 months' imprisonment.

Mr. Vizetelly has been convicted at the Central Criminal Court for publishing English translations of three of the worst of M. Zola's novels. The sentence was a fine of £1,000, to enter into recognizances to be of good behaviour, and to undertake to stop the sale and destroy the remaining volumes in stock. Mr. Vizetelly may thank his counsel for not having

angered the Court by pleading *à la* Stead any loathsome cant as to the novels having a "high moral purpose."

To turn to the drama, it is clear that Mr. Gilbert has worked himself out. What "Ruddigore" indicated, has been made more plain by the "Yeomen of the Guard : or the Merryman I and his Maid." The title alone is enough to choke off the inveterate playgoer. Even Sullivan's music cannot go on redeeming the irredeemable. Other plays of importance during the quarter have been "the Dean's Daughter" at St. James' Theatre ; "L'Abbé Constantin" at the Royalty ; "As you like it" at the newly opened Shaftsbury Theatre ; 'Prince Karl' (Mr. Mansfield) at the Lyceum, and "Hands Across the Sea" at the Princess.' The play at the Royalty is said to be so un-French, that mothers can take their daughters to it. M. Chassaigne's "Nadgy" at the Avenue Theatre has drawn large houses. The name is not melodious. But what's in a name ? Nothing at all, at any rate not much in 'Nadgy.' Arthur Roberts is of course dragged in as an Hungarian ballet rustic, and this Maharaj of comic actors of course makes the piece.

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NEW BOOKS : The Law of Public Meeting, by J. W. Blagg ; Dictionary of National Biography, Vol. XVI., by Leslie Stephen ; "The Story of the Nations"—Holland, by J. E. Thorold Rogers ; "Tactics and Organization," by Captain Maude.

## INDIA AND THE EAST.

### *External.*

ISHAK KHAN, after his defeat by the Amir at Ghaznighak is said to have been most amicably received by the Amir of Bokhara. He will, no doubt, be a useful man for the Russians to put forward, should occasion arise, as a claimant to the Afghan throne. Owing to the revolt of Ishak Khan, the proposed Mission to Cabul had to be abandoned. There have been rumours during the quarter that the Shah of Persia has engaged to favour Russian aims and movements in Central Asia ; and no doubt the marvellous extension of the Russian railway system must tend to place Persia more and more under the control of Russia. But it can hardly be said that Russia is having her own way at present, seeing that the Shah of Persia has opened the Karūn to commerce. This is the only navigable river in his dominions, and its being thrown open to commerce, confers a favour upon England and the whole world. However, it is probable that a Russian Consul will be appointed at Meshed.

Lord Salisbury's '*curiosa felicitas*' is again exemplified in his

remark, that the Black Mountain and Sikkim Expeditions were only the surf marking the advancing tide of civilization. Both expeditions have been crowned with success. The Akazais, Hasanazais, Tikriwals, and Parari Saiyids have all submitted and complied with the terms demanded of them, while Maidan and Palosi, the two chief strongholds of the Hindustani fanatics, have been destroyed.

In Sikkim, a severe defeat has been inflicted on the Thibetan army, and our troops are now occupying a portion of the Sikkim territory. The Chinese Ampa is said to be on his way to effect a settlement between India and Thibet, but China is well versed in the waiting game. The Roman poet tells us how the great Cunctator, General Fabius,

“cunctando restituit rem,”

and it is possibly the wish of the Ampa to minimize the value of the British victory, and restore Lama influence by a similar policy. *Nous verrons*. It is time for the country of Lamas and polyandry to open its gates to civilising influences. England cannot any longer continue indifferent to the shutting up of Thibet from the South, when another Power is making approaches to it of a well-known kind from the North. In spite of the death of Colonel Prejevalsky, the Russian Mission is still bent on reaching Lhasa ; nor does Russia consider it necessary, in sending a friendly mission, to ask any permission from China. It is a matter for regret that the Macaulay Mission was not allowed to start.

Burmah is being slowly and surely restored to order. There are to be expeditions to punish the Chins, and also the Kachins to the north of Mogaung, and operations are being vigorously pushed on. Outrages still occur from time to time.

The concession for working the Burmah Ruby Mines has been granted to Messrs. Streeter and Company, who will pay an annual rent of four lakhs, and one-sixth of the profits. Mr. Scoble, the law member, has recently visited Burmah, in order to inquire into the constitution of the Civil Courts, and the advisability of establishing a High Court.

The appointment of Colonel Nisbet as Resident of Kashmir appears to have given great satisfaction to the Kashmir Durbar. As he has the Maharajah's confidence, it is believed that he will soon set matters in order.

### *Internal.*

Lord Lansdowne has been sworn in as Viceroy. At the St. Andrews' dinner, Lord Dufferin denounced the Congress and its doings. It is thought by many that the denunciation comes too late, and that it would have done more good had

it been made two years ago. Lord Lansdowne has naturally been slow at the outset of his career to give public utterance to his thoughts, but it may be predicted from his virgin speeches that railway extension will be pushed on, and that a larger scope will be given in the educational field to industries and other professions.

Before his departure Lord Dufferin received a good many deputations. In his reply to the Calcutta Corporation, he said that Local Self-Government was everywhere alive : in many districts it was green and flourishing : it might be decades before any very considerable impression would be made on the evils contended with : if the City of Calcutta knew how to set its house in order, to adorn its thoroughfares, to garnish its chambers, and to clothe itself in robes of spotless purity, it might well claim to be the imperial Metropolis of the East. Lady Dufferin has laid the foundation-stone of the Zenana Hospital. A novel feature in Eastern life was, the deputation of 700 Bengali ladies to thank her for what she had done in the cause of the medical education of women. Since Lord Dufferin's departure, news has been received that he is to be presented with the freedom of the City of London in recognition of his distinguished services as Viceroy.

The National Congress is to meet in Allahabad. It seems probable that the spirits of the Congressionists will have been somewhat damped by the letter, of Sir Auckland Colvin in reply to Mr. A. O. Hume, and the speech of Lord Dufferin at the St. Andrews' dinner ; and still more recently by the speech of Mr. Caine, M. P., at Aligarh. We would draw attention here to the remarkable article on the Congress Movement which appears in this issue. It is written by an official who has intense sympathies for the masses of the people. For our own part, we can see no reason why social reform should be excluded from the Congress programme. The fact that the Arms Act is always made the *piece de resistance* among the standing dishes of declamation, would seem to show that the alleged grievances are unreal and imaginary. Mr. Toynbee, C.S., shows in this issue that no Government could administer the Arms Act with more leniency. Hitherto, Government has been like Gallio in the matter ; there is no Arms Administration Report, no Government Resolution. \* If these be started, we feel sure the administration of the Act will be more strict. One of the evils of the present lax administration of the Act is, that harmless birds of plumage and insectivorous birds (those that feed on insects which do damage to crops) are being daily slaughtered by thousands. We have good reason to know this, as the Haldi, Chullun, and numerous other large beels are in the Rajshahye District.

There are many of us who sympathise with the desire of a people for the extension of local autonomy, but we fancy there are few right-thinking persons who do not feel that Mr Hume has gone far beyond the explanation attached to Section 124 A. of the Penal Code. It is our deliberate opinion that Mr. Hume has brought himself within Section 124 A, and we think that any strong Government would confiscate his pension and direct his prosecution under this Section. The most caustic criticism of men and measures may be permissible ; but it has very properly been made a criminal offence to attempt to excite feelings of disaffection towards the existing Government, and we understand that on Bombay side, Lord Reay's Government contemplate prosecuting a native for this very act.

*Miscellaneous.*

Kunhi Kunnan, Deputy Collector and Deputy Magistrate of Calicut, has been sentenced to two years rigorous imprisonment and a fine of Rs. 3,000, and his brother to one year's rigorous imprisonment and a fine of Rs. 500 for bribery and abetment of bribery.

The Crawford Commission drags its slow length along. An attempt has been made to have some of the witnesses prosecuted for their admitted corruption, and one cannot help feeling some sympathy for the action taken by Justices Jardine and Birdwood, though, as found by the Presidency Magistrate, the petition in which such action originated may have been filed with the express intention of embarrassing the Government. But the High Court can hardly press the matter. They have no initiative power under Section 191 of the Code of Criminal Procedure ; Section 45 of the Specific Relief Act cannot apply, as clause (6) excepts the Bombay Government ; and whatever other power (if any) they may possess to direct a prosecution, it would be no use to do so, as the Local Government could, under Section 401 of the Code of Criminal Procedure, remit a sentence directly it was passed. The Commission seems to be a needless waste of the taxpayers' money ; but it is of course for the public good that the corruption of the subordinate Revenue Service in Bombay should have been laid bare.

Mr. Moylan's appeal has been allowed by the Calcutta High Court (the Chief Justice sitting with Justices Prinsep and Pigot.) There are some who think the case called for *some* punishment, but from the first there has been a consensus of opinion that the punishment was out of all proportion to the offence alleged.

Sudabodh Bhuttacharjya has been convicted of the murder of his wife and sentenced to be hanged by Mr. Justice Norris.

Mr. Woodroffe found more than his match in Dr. Russell, and he was worsted and made to look foolish again and again in his long and tedious cross-examination of the witness. Among other questions, he asked Dr. Russell if he had examined the accused with a microscope! Owing to his unskilful cross-examination, a fact was brought out which had not been known even to the prosecution,—namely, that Dr. Russell had made a man pass through the bars of the window in the room where deceased was murdered. After the way in which Dr. Mackenzie had been knocked about on various occasions, it is refreshing to see a Police Surgeon not only holding his own, but delivering some very nasty and effective blows to the counsel for defence. The case will not enhance Mr. Woodroffe's reputation as an advocate for a prisoner in a criminal case.

The Manchester Chamber of Commerce has resolved, by a majority of ten, that the provisions of the British Factory Acts, restricting the hours of labour of women and children, should be immediately extended to the textile factories in British India. But why only textile factories? The resolution is, of course, dictated solely by motives of humanity!

There has been considerable loss to crops over large areas in different Provinces. The worst tracts are in the districts of Ganjam, Nellore, and Pooree, and in the Province of Guzerat. In many districts of Bengal, the winter rice will not be more than an 8 anna crop.

The Maharaja of Travancore has been invested with the insignia K. C. S. I. A Dharma Sabha has been established for Beliar. There has been a daring act of piracy on the Bombay coast.

We would draw prominent attention to Mr. Carstairs' article on "Roads in Bengal," as affording an excellent solution of a difficulty which is vexing all the District Boards in the Province.

The Chinese A'mban has arrived at Gnatong.

H. A. D. PHILLIPS.

22nd December 1888.

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## SUMMARY OF ANNUAL REPORTS.

### *Statistics of Municipal Taxation and Expenditure in Bengal, 1886-87.*

THERE are 138 Municipalities in Bengal, exclusive of the Calcutta Municipality. They have a total population of 2,698,853 souls of whom 467,388 are ratepayers. Of these Municipalities, 26 are situated in the Burdwan Division, 36 in the Presidency Division, 11 in the Rajshahye Division, 16 in the Dacca Division, 10 in the Bhagulpore Division, and 5 in each of the Divisions of Chittagong, Orissa and Chota Nagpore. The elective system has been introduced into all except 26 newly constituted Municipalities. The constitution of their committees is shown in the following table :—

DIVISION.	Nomin- ated.	Elected.	Total.	Officials.	Non- officials.	Euro- peans.	Indians.
Burdwan.. ..	142	216	358	46	312	33	325
Presidency ...	232	334	566	43	523	20	546
Rajshahye ..	98	87	185	46	139	33	159
Dacca .. ..	108	115	223	38	185	18	205
Chittagong ..	32	39	71	16	55	5	66
Patna ... ..	175	16	191	65	125	36	134
Bhagulpore ..	73	79	152	23	129	26	126
Orissa .. ..	41	34	75	25	50	5	70
Chota Nagpore ..	52	17	69	18	51	11	58
<b>Total ..</b>	<b>953</b>	<b>1,086</b>	<b>2,039</b>	<b>320</b>	<b>1,719</b>	<b>187</b>	<b>1,852</b>

A statement of their incomes from various sources is given below :—

Abstract Statement of the Income of the Municipalities in Bengal during 1886-87.

	BURDWAN DIVISION.				PRESIDENCY DIVISION.				RAISHAHIE DIVISION.		DACCA DIVISION.	
	HOWRAH.		Other Municipalities in this division.		Suburbs of Calcutta.		Other Municipalities in this division.		1883-85.		1885-86.	
	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	1883-85.	1886-87.	1885-86.	1886-87.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Assessed taxes—												
(a) Conservancy cess	62,865	66,117	26,787	28,744	1,15,942	1,19,273	2,682	11,282	12,458	18,030	42,847	42,847
(b) License on trades	2,310	2,553	1,109	2,390	10,172	9,717	713	1,256	....	....	....	306
(c) Tax on persons according to circumstances and property	....	....	72,158	63,131	....	....	1,68,732	....	55,092	58,667	31,304	31,304
(d) Tax on houses and lands	1,39,763	1,45,536	1,00,325	1,13,882	2,39,883	2,48,230	36,660	2,12,433	42,182	40,503	89,645	89,645
(e) Water tax	....	....	....	17,137	....	....	....	....	9,830	12,218	....	....
2. Tax on carriages and animals	8,939	9,447	22,631	22,818	47,277	36,601	27,230	28,341	14,994	17,838	6,470	6,940
3. Toll on roads and at ferries	....	....	23,788	16,808	2,153	....	22,494	12,818	6,866	6,634	15,548	17,590
4. Other taxes—												
(a) Fees on musical processions	....	....	....	....	....	....	....	....	....	....	....	....
(b) Tax on coal and on brick and lime kilns	....	....	....	....	....	....	2,668	357	....	....	....	....
5. Miscellaneous receipts	20,600	19,068	60,965	55,083	84,501	81,037	46,513	49,426	77,473	74,376	53,564	57,635
6. Loans	....	....	....	24,500	....	....	....	....	....	....	....	....
7. Deposits and advances	92	540	22,875	32,095	28,190	29,176	6,023	19,303	2,426	8,858	1,146	1,364
Total	2,34,769	2,93,261	3,30,658	3,76,658	5,28,20	5,24,034	3,13,715	3,35,206	2,21,321	2,37,174	2,36,612	2,47,611

## Abstract Statement of the Income of the Municipalities in Bengal during 1886-87.

HEADS OF RECEIPTS.	CHITTAGONG DIVISION.		PATNA DIVISION.		BHAGLPORE DIVISION.		ORISSA DIVISION.		CHOTA NAGPORE DIVISION.		TOTAL.
	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	
1. Assessed taxes—											
(a) Conservancy cess	Rs. 3,726	3,731	Rs. 8,585	.....	Rs. 5,885	11,953	Rs. ....	.....	Rs. 2,81,457	3,01,974	Rs. ....
(b) License on trades	....	....	....	....	694	936	....	....	28	14,998	17,185
(c) Tax on persons according to circumstances and property	19,400	1,854	85,293	78,006	9,726	12,979	31,424	.. ..	20,747	5,04,595	9,45,951
(d) Tax on houses and lands	11,327	28,497	1,57,509	1,80,785	58,140	62,016	10,057	49,688	....	8,66,307	11,94,774
(e) Water tax	....	....	....	....	....	....	....	....	....	9,830	29,405
2. Tax on carriages and animals	9,277	2,677	16,594	21,977	15,214	13,799	5,356	7,287	1,085	1,68,357	1,69,615
3. Toll on roads and at ferries	9,200	8,367	32,948	39,083	20,189	20,525	10,851	9,153	....	1,44,037	1,31,058
4. Other taxes—											
(a) Fees on musical processions *	....	....	810	1,823	412	597	....	....	....	1,222	2,400
(b) Tax on coal and on brick and lime kilns	....	....	....	....	50	215	....	....	....	2,718	572
5. Miscellaneous receipts	18,771	17,907	97,002	85,237	58,176	63,426	18,994	17,807	16,063	12,366	5,52,822
6. Loans	840	....	....	300	....	....	....	....	....	....	240
7. Deposits and advances	542	....	7,013	28,593	17,451	8,544	20	3,591	566	2,350	86,311
Total	65,483	62,973	4,01,045	4,44,715	1,85,944	1,94,987	76,692	80,456	31,161	38,182	26,32,854
											28,35,397

\* Under the present Act the Municipal Commissioners have nothing to do with musical processions, and have no right to levy fees on them. Passes are, or should be given by the District Superintendent of Police subject to the control of the District Magistrate.

An abstract of their income and expenditure is shown in the following table :—

DIVISION.	OPENING BALANCE.		INCOME DURING THE YEAR.		TOTAL FUNDS AVAILABLE FOR DISPOSAL.		TOTAL EXPENDITURE.		CLOSING BALANCE.	
	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.	1885-86.	1886-87.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Burdwan	77,129	72,272	5,65,467	6,69,959	6,42,596	7,42,231	5,74,272	6,27,395	68,324	1,14,836
Presidency	1,99,205	1,32,073	8,41,835	8,59,240	10,41,040	9,91,313	9,08,967	8,72,752	1,32,073	1,18,561
Rajshahye	35,313	47,468	2,21,321	2,37,174	2,56,634	2,84,642	2,09,110	2,40,313	47,524	44,329
Dacca	68,849	40,161	2,36,612	2,47,611	3,05,461	2,87,772	2,65,297	2,56,801	40,164	30,971
Chittagong	11,944	15,653	65,483	62,973	77,427	78,626	61,774	72,201	15,653	6,425
Patna	59,255	47,080	4,01,049	4,44,715	4,60,304	4,91,795	4,13,715	4,34,369	46,589	57,426
Bhagulpore	26,840	24,538	1,85,944	1,94,987	2,12,784	2,19,535	1,88,246	1,96,036	24,538	23,489
Orissa	11,864	14,955	76,692	80,456	88,556	95,411	73,600	84,578	14,956	10,833
Chota Nagpore	8,091	5,852	38,461	38,282	46,552	44,134	40,698	38,694	5,854	5,440
Total	4,98,490	4,00,052	26,32,864	28,35,397	31,31,354	32,35,449	27,35,679	28,23,139	3,95,675	4,12,310

The grants made to Municipalities from provincial or local funds are shown in the following table :—

Name of Municipality.	Amount of grant.	FOR WHAT PURPOSE.
	Rs.	
Burdwan ...	1,120	For the support of one high and one middle class English school.
Bally ...	5,000	For acquisition of land required for extending the compound of the Rivers Thompson School.
Midnapore ...	169	For the maintenance of a girls' school.
Lalbagh ...	3,600	For the conservancy of the city.
Santipore ...	800	For the construction of a town hall.
	6,484	For the maintenance of certain Government roads lying within the Municipality.
Darjeeling ...	1,050	For the working of the Porters and Dandywallas Act, 1883.
Rampore Beaulah ...	700	For the support of the charitable dispensary.
Gya ...	10,151	For the erection of a building for the pilgrim hospital.
Deoghur ...	210	For the conservancy of the town.
Cuttack ...	200	For the benefit of the tenants of the Government estates. The amount was credited to the Municipality at the close of the year.
Pooree ...	4,772	For conservancy, medical and other charges.
Patna ...	420	The purposes of these grants are not reported by the Commissioners of divisions.
Kandi ...	1,600	
Furreedpore ...	50	
Madaripore ...	128	
Sherepore ...	44	
Sasseram ...	1,309	

The percentage of Municipal Revenue spent under principal heads of expenditure is shown below :—

NAMES OF DIVISIONS.	Income during the year 1885-87.	PERCENTAGE OF INCOME SPENT ON—					REMARKS.
		Establishment.	Public safety.	Public health.	Public instruction.	Public convenience.	
	Rs.						
Burdwan .. ..	6,69,959	8.46	9.65	41.69	3.40	20.01	
Presidency .. ..	8,59,810	10.96	13.16	39.73	3.45	22.99	
Rajshahye .. ..	2,37,174	17.32	2.26	50.10	2.88	15.58	
Dacca .. ..	8,47,611	11.66	3.61	57.34	2.94	21.77	
Chittagong .. ..	62,973	8.10	9.79	49.71	7.97	22.83	
Patna .. ..	4,44,715	11.51	5.19	45.47	3.23	21.37	
Rhagulpore .. ..	1,94,987	9.39	1.73	58.31	2.87	22.05	
Orissa .. ..	87,456	14.48	6.24	49.20	5.51	18.88	
Chota Nagpore .. ..	38,282	14.32	2.21	60.52	3.26	14.93	
Total .. ..	28,35,397	11.03	8.13	45.62	3.43	21.00	

The percentage of establishment and collection charges, to the total income of the year is given in the following memo. :—

YEAR.			General estab- lishment.	Collection charges.	Total.	Percentage ratio to the total income of the year.
			Rs.	Rs.	Rs.	
1883 84	...	...	1,53,987	1,14,375	2,68,362	9.8
1884-85	...	...	1,57,284	1,17,129	2,75,013	10.2
1885 86	...	...	1,77,978	1,20,346	2,98,324	10.9
1886 87	...	...	1,86,072	1,26,674	3,12,746	11.3

The work done by the Municipal Commissioners in their capacity as Honorary Magistrates in disposing of the nuisances cases is spoken of with praise.

Act IV. (B.C.) of 1873 for the registration of births and deaths is in operation in 148 towns in the mufussil, and in one rural area in Darjeeling.

Under Act V. (B.C.) of 1883, 660 porters and 605 dandywallas were registered in 1886-87.

The Pilgrims' Lodging House Act, IV. (B.C.) of 1871, is in force in the towns of Pooree (Jagaanath), Gya, Deoghur, Uluberiah, Ranigunge and Gurbetta; at Pooree 353 licenses were granted to lodging house keepers for the accommodation of 22,541 pilgrims, while at Gya 525 licenses were issued for the accommodation of 15,592 pilgrims. The Act worked beneficially in the towns to which it has been extended.

*Records of the Geological Survey of India. VOL. XXI,  
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**B**ABOO Pramatha Nath Bose, B. Sc., F. G. S., contributes an interesting paper on "The Manganese-iron and Manganese ores of Jabalpur," accompanied by two maps. Mr. R. Bruce Foote, F. G. S., furnishes a translation of a learned, long-winded, and somewhat disputatious treatise by Oberbergrath Professor, Doctor W. Waagen, on "The Carboniferous Glacial Period." The worthy Professor has some ideas about the Salt-range, which do not appear to have been generally accepted :—

It has long been known that in the Salt-Range also, formations are not seldom met with, which have, doubtless, been formed under the co-operation of ice.

I have myself seen and studied these formations in many places, but till now had no opportunity of expressing my opinions about them publicly. Even now I feel somewhat embarrassed about speaking on this subject, for a remarkably unluckily star rules over everything that I publish on the general relations of the Salt Range. Every time I am rebuffed in a manner that is really not seemly. Expressions such as "ignorance," "charlatanism," or "it would be best to regard such a paper as unpublished," are among the terms of endearment I am thought worthy of. If the writers of these knew how I take counsel with myself for years, and consider from all points any important view before I publish it, they would, perhaps, judge me more indulgently. Hitherto it has not been possible for them to disprove my position; consequently I feel myself justified in still holding fast to the views which have given occasion for such harsh criticism.

The only other contribution to this issue is by Dr. Oldham. It deals with "The Sequence and Correlation of the Pre-Tertiary Sedimentary Formations of the Simla region of the Lower Himalayas."

*The Progress and Condition of the Government Botanical Gardens at Saharanpur and Mussoorie, for the year ending 31st March 1888.*

WE have before us a Report on the progress and condition of the Government Botanical Gardens at Saharanpur and Mussoorie, for the year ending 31st March 1888. It is a record of good experimental and industrial work well done.—

The receipts and expenditure during the last three years have been as follows:—

Years.				Receipts.	Expenditure.
				Rs. a. p.	Rs. a. P.
1885-86	...	...	...	9,669 8 1	33,388 0 11
1886-87	...	...	...	13,683 0 6	33,856 3 0
1887-88	...	...	...	14,919 1 8	19,327 8 11

We are glad to hear that the number of trained gardeners sent out from the Technical School continues to increase, and that they command good salaries. A great many new varieties of fruit trees have been introduced from America and other countries, and are thriving.

*Statistics of the Registration Department of the Punjab and its Dependencies 1887-88.*

THE year 1887-88 has been the busiest and most profitable on record, as is shown in the following comparative table.

		Average of five years ending 187-77, under Act VIII. of 1871.	Average of five years ending 1881-82, under Act III. of 1887.	Average of five years ending 1885-87, under Act III. of 1887.	1886-87.	1887-88.
Book No. 1.	Ordinary registrations.	32,173	48,080	44,890	49,690	57,978
	Special registrations under Section 89.	18,837	18,393	10,978	9,012	10,952
	Total	51,010	66,473	55,868	58,702	68,930
Book No. 2.	Documents relating to immovable property.	..	274	1,180	1,132	1,168
	Tabkâzi certificates	..	397	1,366	1,889	1,570
Book No. 3.	Sale certificates	..	671	2,546	2,421	2,738
	Total	..	..	..	..	..
Book No. 4.	Wills	116	230	388	427	434
	Authorities to adopt	2	1	..	..	..
Book No. 5.	Miscellaneous documents	21,289	13,575	10,390	9,962	9,970
	Aggregate registrations.	32,125	42,081	44,800	49,691	57,978
Aggregate registrations.	Ordinary	40,302	32,158	21,185	20,301	21,336
	Special under Section 89	72,427	74,279	56,575	69,691	79,338
	Total	..	671	2,546	2,121	2,738
	Grand total	72,427	74,950	69,121	72,112	81,672
Value of immoveable property transferred by documents registered in the ordinary mode		1,50,00,000	2,9,979,000	2,39,13,000	2,70,48,000	3,04,81,000
Total receipts from all sources		1,57,818	1,77,882	1,76,427	1,91,656	2,19,736
Total expenditure		1,02,035	1,03,740	96,056	1,04,610	1,12,025
Surplus of Income over expenditure		55,793	74,136	80,371	87,046	1,07,711
Number of documents registered.						

The increase in the number of sales and mortgages of agricultural land registered during the past year is variously explained. Some attribute it to bad harvests, some to the

enhanced price of land, and some to a succession of bad seasons which has so impoverished the cultivators that they are at length induced to part with their lands.

The miscellaneous operations of the departments are shown in the following comparative table :—

The following statements shows the income and expenditure of the department for the last two years :—

					1886-87.	1887-88.
INCOME.						
<i>Fees—</i>					Rs.	Rs.
Ordinary ...	...	...	...	...	1,40,662	1,62,084
Extraordinary ...	...	...	...	...	13,085	14,523
Copying ...	...	...	...	...	37,909	43,129
Total					1,91,656	2,19,736
EXPENDITURE.						
<i>Inspecting Officers—</i>						
Salary ...	...	...	...	...	10,800	11,520
Establishment ...	...	...	...	...	4,996	5,097
Contingencies ...	...	...	...	...	3,780	5,280
<i>Registering Officers—</i>						
Remuneration ...	...	...	...	...	50,323	55,149
Establishment ...	...	...	...	...	33,122	33,635
Contingencies ...	...	...	...	...	1,589	1,744
Total					1,04,610	1,12,625
Surplus					87,046	1,07,111

*The Kharif or rain crop report of the Cawnpore Experimental Station, 1887-88.*

THIS season was unfavourable and the results "somewhat negative." Such experiments as were taken in hand were confined to plots of maize, cotton, indigo and sugarcane. For the two first, woollen refuse, followed by sheep's dung, proved to be the best manure. Gypsum was found good for indigo, as for all leguminous crops. The native method of cultivating sugarcane was found more suitable to the condition of the climate, than the West Indian plan of growing in lines. In the latter case, the plan is designed for a climate where rain falls on most days of the year; the cane must, therefore, be grown well apart to secure the benefit of the falls. In India the water is delivered by artificial irrigation channels direct to the foot

- of the cane, and a close growth overhead minimizes loss of moisture by evaporation in the intervals between irrigation.

The following table gives the results of indigo sown in two ways :—

No. and area of plots.	Special treatment.	Cost of the special treatment per acre.	Weight of green crop sold.	Outturn per acre.	Value per acre at 307 lbs. per rupee.	Increase.	
						In weight.	In value.
			lb	lb	Rs.	lbs.	Rs.
(1) 552 square yards.	Seed sown with drill.	No noticeable difference of the cost between the two ways of sowing.	5,507	7,507	24 7 0	5,462	17 13 0
(2) 4,658 square yards.	Seed sown broadcast.		2,045	2,045	6 10 0	..	...

The following threshers were tried against threshing by bullocks :—

- (1) May Furth's hand thresher.
- (2) Ben Reed's thresher.
- (3) Shearer Brothers' hand and foot thresher.

No. (1) was worked by hand, the other two were worked conjointly by bullock power. Their results are noted in the following table :—

Number.	Name of machine.	Weight of shives threshed.	Outturn.			Time occupied.	No. of women employed at one anna and six pies per day.	No. of bullocks employed at 12 annas a pair per day.	Total cost.	Cost per maund of clean grain.	Cost per hundred maunds of clean grain.
			Clean grain.	Chaff.	Loss.						
		Mds.	M. s. c.	M. s. c.	s. c.	H. m	Women.		R. s. a. p.	A. p.	R. a. p.
I	May Furth's hand thresher.	10	3 16 0	6 20 0	4 0	1 30	6	..	0 3 0	10%	5 7 6
II	Ben Reed's and Shearer Brothers' threshers.	20	6 30 12	12 37 0	12 4	2 0	6	4	0 11 0	7%	7 0 6
III	Country way of threshing by bullocks.	10	3 39 0	5 30 0	11 0	19 30	1	2	1 3 6	10%	30 7 6

The cost in the above table includes the interest on capital, repairs, wear and tear, wages of trained foreman, oil, &c.

The work done by machine No. I, was no doubt the cheapest of all ; but the straw on examination was found to contain a large portion of unthreshed entire ears which had to be beaten out by sticks.

*Report on the Revision of Settlement of the Panipat Tahsil and Karnal Pargana of the Karnal District.* By Denzil Charles Jelf Ibbetson of Her Majesty's Bengal Civil Service. Allahabad : Printed at the Pioneer Press. 1888.

THE tract of country with which this report deals is a quadrilateral area of 892 square miles, lying between the Jumna on the east and the highlands of Jind and Kaithal on the west. Physically it is divided into the Khadir or lowland along the river, and the Bankar, or high-lying tract beyond stretching towards Kaithal. It is crossed by the Grand Trunk Road and the Western Jumna Canal: it contains 330 village areas, and 336 mahals, or revenue units. Also two large towns, Karnal and Panipat, both on the Grand Trunk Road. To persons desirous of fuller information about it, we recommend study of the Settlement Report which is now serving us for text. Many parts of it are most interesting; e.g., a history of district famines to be found in paras. 55 to 65; a sketch of the state of the country in 1805 (para. 93); caste histories in chapter VI; village societies (chapter VII), and widow re-marriage. On the last-named subject we extract the following:—

*Re-marriage of Widows.*—As I have said, a man may marry as often as he pleases. If he marries again on the death of his wife, he is called *dheju*. The ceremonies are exactly the same for a man's different marriages. But under no circumstances can a woman perform the *phera* twice in her life. Thus among the Rajputs, Brahman, and Tagas, who do not allow *karewa* or *kardo*, a widow cannot under any circumstances re-marry. But among other castes a re-marriage is allowed under the above name. It is, in its essence, the Jewish Levirate; that is to say, on the death of a man, his younger brother has first claim to the widow, then his elder brother, and after them other relations in the same degree; though *karewa* cannot be performed while the girl is a minor, and her consent is necessary. But it has been extended so that a man may marry a widow whom he could not have married as a virgin, the only restriction being that she is not of his own gens. Thus, a Gujar may marry a Jat or Ror widow of any gens but his own. I need hardly say that neither marriage, nor adoption, nor any other ceremony, can change the gens of a man or woman; that being, under all circumstances, the gens of the original father. Even women of menial castes can be so married; but the woman is then called *heri hili*, though it is still a real marriage. At the same time any marriage out of one's own caste, even if with a higher one, is thought disgraceful.

The marriage must not take place within a year of the husband's death. It is effected by the man throwing a red wrap over the woman's head and putting wristlets (*chura*) on her arm in presence of male and female members of the brotherhood. There is no *neota* in *karewa*, because there are no expenses.

The villagers in the Karnal district are, as a mass, utterly uneducated, though a considerable number of the headmen can read and write Mahajani, or Hindi, as they call it, to some extent. Outside the ranks of the headmen few people can count beyond 20.

There are seventeen primary schools in the tract with 974 scholars, and two middle schools with a total of 64 scholars.

- It is very difficult for a villager to send his boy to school unless there is one in or quite close to his village ; and even when this is the case, they object to sending their sons to school, because, they say, *it renders them discontented with, and unfits them for their position.* Persian they especially object to. The language of the tract is Hindi, with a small admixture of Punjabi words.

The dialect varies slightly from north to south ; and especially the Jats of the southern border use many words not used in the rest of the tract, with a pronunciation and accent quite peculiar to them. A curious instance of the formation of inflections is afforded by the local use of the verb *sîn*, *so*, *sai*, *sain* for *hûn*, *ho*, *hui*, *hain*. The *s* is frequently affixed to the end of the verb, and the remainder of the auxiliary dropped. Thus "*sâra dângar kâl ho rahûs*:" "all the cattle are starving," instead of "*ho raha sai*."

A man may make a stranger of another gens his *bhûnbhai*, or earth brother, if his near cognates consent, in which case he gives him a definite share of his land on the spot, and the *bhûnbhai* loses all rights of inheritance in his original family. The ceremony is complete by public declaration of the transfer and the consent, and by the usual distribution of sweetmeats. According to Elliott the *bhûnbhai* could not formerly dispose of his land, but this is no longer the case. But some hold that if the *bhûnbhai* has no near cognates, the land reverts to the family of the donor.

Under no circumstances, except as above-mentioned, can a landowner make a gift of land out of the cognate community ; and not even within it, except among the Rors ; and then if the gift is made in the absence of sons, and a son is born afterwards, it is resumable.

*Dhartî Mâtâ* is a peculiar observance. It is thus described :—

Every morning, when a man first gets off his bed he does obeisance to the earth, and says *sukh rakhivô Dharti Mâtâ*, "preserve me, Mother Earth." When a cow or buffalo is first bought, or when she first gives milk after calving, the first five streams (*dhar*) of milk are allowed to fall on the ground in her honour, and at every time of milking the first stream is so treated. So when medicine is taken, a little is sprinkled in her honour. So at the beginning of ploughing and sowing, obeisance is made to her and she is invoked.

The report is a most interesting one and from it a vast amount of information may be gathered about popular habits and customs. Mr. Ibbetson did excellent work as census Officer in 1888, and his report and that of Mr. Baines of the Bomaay Civil Service were specially commended by the census Commissioner and the Government of India.

*General Report on the operations of the Survey of India Department administered under the Government of India during 1886-87.*

THE Report of the Survey Department for 1886-87 is a record of good work, well done at all points of the Indian compass, from Beluchistan to Burmah. Trigonometrical Survey is being prosecuted on the Madras Coast; Topographical Survey parties are busy all over the Continent; two in the Bombay Presidency, one in Guzerat, one in the Southern Mahratta country, a half party in Beluchistan, one in the Mirzapore district, one in the Himalayas. Another party has been engaged in making a survey of the Nicobar Islands, the main object of which was to meet the requirements of navigation. Forest Surveys have been continued, on an 8-inch scale for the most part. In Lower Burmah No. 20 Party conducted its operations on a 4-inch scale. Owing to the unsettled state of the country, and the impossibility of providing police guards for all the scattered detachments in the Prome district, the native section of the party employed there became quite demoralized, and it was found necessary to suspend the work. That all natives of India connected with the Survey are not timid is manifest from the explorations of M. H. in Nepal and Tibet, of R. N. in Bhutan, of K. P. in Tibet. Of the latter it is written:—

In 1880, a native of Sikhim, K. P. was sent in company with a Chinese *lama*, by the late Captain Harman, to Tibet for the purpose of exploring the course of the Sangpo river below Gyala Sindong, the point which had been reached by explorer G. M. N., to the plains of India; or, failing this to throw marked logs of timber into the stream at the lowest point reached, in order to solve the question of its identity with the Dihang. K. P. has returned to India after many adventures and has given a narrative of his travels, which shows that, owing to the delinquency of the *lama*, the arrangement for casting logs into the Sangpo was not carried out. K. P. was sold as a slave in the Pemakoi country, from which he eventually managed to escape. He succeeded in penetrating to a place called Onlet, on the Sangpo, which he states is not much more than 40 miles from the plains of India; and his account, combined with information derived from a Mongolian *lama* who had lived for many years near Gyala Sindong, has enabled Colonel Tanner to construct an amended chart of the course of the Sangpo between Gyala Sindong and the point to which our knowledge of the Dihang river extended which will be found in the appendix. It is intended to publish the itineraries of both K. P. and R. N., together with the information obtained from the *lamas* in a separate report.

The processes of heliogravure, we are told, have made great progress of late. Results obtained show that for the reproduction of line work, the process is quite capable of taking the place of hand engraving, for temporary purposes. For the reproduction of maps in half tone, however, it requires further development. Meanwhile, heliogravure processes have been utilized largely

for the reproduction of drawings for the Archæological Survey and for a Technical Art Series, for educational purposes.

Over and above its pure survey duties, the Indian Survey Department is doing useful work in connection with the reclamation of village Putwaris and their breaking-in to honest ways of earning a living.

We note that Colonel Holdick (of the department) has been honoured, by the award to him of the Founder's medal of the Royal Geographical Society. In recognition of their services in Burmah, Colonel Woodthorpe has been made a C.B., and Major Hobday has received a step of brevet rank.

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*Revenue Administration, N.-W. P., for the Revenue Year 1886-87.* Allahabad: N.-W. P. and Oudh Government Press, 1888.

THE Report on Revenue Administration in the North-West Provinces for the departmental year, ending 30th September 1887, says that the public health was not good, though the health of cattle was. That is curious. Food grains were dear. The general rise in prices benefitted the purely agricultural community; though the extent of the profits which agriculturists, who are not also grain dealers, reap from such rise in any particular year, cannot be very precisely estimated. Daily labourers must have cursed it. The Political Economists never take their interests into consideration. The Commissioner of the Jhansi Division thinks that the supply of grain at Jhansi itself has hardly been equal to the demand made on it. The supply and demand theory has failed over and over again when applied to Indian Bazars; notably at the time of the Orissa Famine. However great the demand may be, traders do not care about sending their supplies to markets where there is no money available to pay for them.

Total receipts in 1886-87, amounted to Rs. 5,28,74,256, as against Rs. 5,35,17,474 in the previous year. The Jhansi Division is set down as the defaulter; but there is not such a large real default as is shown, inasmuch as the year's demand included a nominal sum of Rs. 21,427 that used to be payable by villages ceded to Gwalior. The exchange of territory by virtue of which they were made over to that Durbar was not effected till after the commencement of the year; and red tape ruled, consequently, that the demand for the transferred villages, could not be removed from the Roll until after its close.

Nearly the whole of the outstandings in Agra are due from pargana Fatehpur Sikri, the settlement of which was revised last year. Regarding this pargana, the Commissioner

writes "So far there has been no improvement in that unfortunate tract, and I fear improvement is likely to be very slow. Either there are floods and no kharif, or there is a dry year and no rabi. The pargana is ravaged by pigs and wild cattle from Bhartpur, and cultivation is carried on under such difficulties that it is not wonderful that tenants are hard to keep. I very much regret that my proposal to make a fluctuating settlement in this tract—a proposal which had the support of the Board—was not adopted. So far, at any rate, the fixed settlement which the Government ordered to be made has not proved a success."

During the year 10,092 acres of land were appropriated, of which 9,532 acres were acquired permanently, and 560 temporarily. The total compensation paid under both heads was Rs. 2,47,191, in addition to which an annual reduction of revenue to the extent of Rs. 7,037 was granted. Of the appropriated area, 542 acres were taken up for roads, 3,098 acres for canals, 6,283 acres for railways, and 169 acres for buildings and miscellaneous works. The appropriations for railways were on account of the Northern Extension of the Oudh and Rohilkhand Railway in the Saharanpur, Muzaffarnagar, and Bijnor districts; the Cawnpore and Achnera State Railway in Muttra, Farukhabad, and Cawnpore; the East Indian Railway in Etawah, Allahabad, and Mirzapur; the Oudh and Rohilkhand Railway in Benares; the Bengal and North-Western Railway in Gorakhpur and Basti; the Rohilkhand and Kumaun Railway in Kumaun; the Bareilly and Pilibhit Railway in Bareilly and Pilibhit; the Cawnpore-Kalpi State Railway in Cawnpore and Jalaun; the Jhansi-Manikpur Section of the Indian Midland Railway in Banda, Hamirpur, Lalitpur, and Jhansi; and the Jhansi-Kalpi Section of the Indian Midland Railway in Jhansi and Jalaun.

In the Gorakhpur, Basti, Jalaun, Jhansi, and Lalitpur districts, the acquisitions for railway purposes were dealt with by special officers appointed for the purpose.

The average rate of compensation per acre paid for the area acquired permanently was Rs. 25-5-3, and that for land acquired temporarily, Rs. 10-4-9. This contrasts strikingly with the larger amounts paid in Lower Bengal. In the preceding year the average rate was Rs. 51-6-5 in the case of permanent appropriations, and Rs. 12-0-3 in the case of temporary appropriations. There is no explanation of the remarkable difference between the two years.

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# CRITICAL·NOTICES.

## GENERAL LITERATURE.

*A Digest of Civil Law for the Panjab, chiefly based on the Customary Law as at present judicially ascertained.* By W. A. Rattigan, LL.D., Barrister-at-Law, Allahabad : Printed at the office of the "Pioneer."

THE preface to this edition states that the amendment of the law relating to Tenant Right has necessitated the bringing out a new edition, and the opportunity has been taken of annotating it up to the end of August 1888, and also of carefully revising the text. The contents comprise chapters dealing with the essentials and proof of a valid custom, succession and maintenance, adoption, alienation, marriage, divorce, and dower, religious institutions and wakf property, pre-emption, land law and tenures, tenant-right, the village common land, absentees, village cesses, alluvion and diluvion, mercantile customs, and the special property of females.

Custom in the Panjab is the first rule of decision in almost all questions of personal law, while, as regards the land law and tenant right, much trouble has been taken in ascertaining customs, many of which have been subsequently incorporated in the statute law. But it must be remembered that Mr. Rattigan's book gives us the customary law *as judicially ascertained*, and there must be much common law, as in Bengal, that has never been judicially ascertained or recognized. Similarly, not a few customs have been over-ridden both by statute law and by High Court decisions, which have been accorded the force of law. In several instances, where Bombay and Calcutta High Court decisions do not agree, the former are preferred. One of the essentials to the validity of a custom is, that it must not be contrary to justice, equity, and good conscience. There is an illustration under this head that a custom that a married woman may, without the permission of her husband, leave him, and in his life-time

contract a second valid marriage with another man, is bad as immoral. Several Bombay rulings to this effect are quoted, but the Calcutta High Court have partially recognized such a custom in a case reported in 7 C. L. R., 354. Such marriages are not unusual among low castes in Bengal, the panchayat giving the necessary permission on the ground of the incurable disease of the husband, wilful and continued desertion, neglect or inability to maintain. One of the illustrations is taken from a ruling of Justices Mitter and Norris (I. L. R., 9 Cal. 698), namely, that a custom by which the inhabitants of a particular zemindari claim the right of fishery in *beels* belonging to the zemindar, is bad as unreasonable. It is not easy to reconcile this ruling with subsequent remarks in the Meherpore and Assam fishery cases.

As regards succession, it appears that a son cannot by custom enforce partition of ancestral immovable property during his father's lifetime; and as a general rule, sons, whether by the same or different wives, share equally. Primogeniture, however, prevails in the families of ruling Chiefs and among the Thakur families in Lahaul. One of the statements in the Digest is, that the widow's right to maintenance is not dependent on residence with the husband's family. This is one of the points in which we fancy previous custom has been altered by case-law. Those whose duty it is to administer the criminal law, have an opportunity of observing the strength of the unwritten common law in this matter. Where the widow refuses to live with, and remain subject to her husband's brothers, and often without any such provocation, the latter take her property, and cases arising out of such deprivation are frequently brought in the Criminal Courts. The brothers are punished, but the sympathies of the native community are entirely on their side. Truly an Indian Civil Judge ought to be a wondrous combination of breadth of view and intimate knowledge of the country. Rhadamanthus of the Faujdari incurs all the unpopularity for trampling on custom, and punishing as crimes what Hindu society may regard as innocent actions, or at the most venial peccadilloes. But what can Rhadamanthus do? He must carry out the rulings of Procrustes of the Dewani, and your legal Procrustes will hack to pieces customs that do not fit the exact length of his preconceived prejudices, while he will stretch and elongate others beyond all recognition. As to the widow's right to maintenance, Mr. Rattigan mentions that in the Gurgaon and Sirsa Districts, it is believed that local custom only sanctions it where she lives with the husband's family. The rule that an unchaste widow is entitled to maintenance is, again, a Western innovation on previous custom, and diametrically opposed to native sentiment.

In the chapter on Marriage and Divorce we read that apostasy amongst Mahomedans causes a cancellation of the marriage, but not amongst Hindus. This follows a Bombay, ruling, but the point has not arisen in the Calcutta High Court. It is doubtful whether the ruling would be followed, as a Hindu wife converted to Islam, cannot possibly go on living with her first husband. The case in Bombay was that of a Hindu wife, who embraced the Mahomedan religion, and then married a Mahomedan. She was convicted by the Assistant Sessions Judge, acquitted on appeal by the Sessions Judge and finally convicted by the High Court on an appeal by the Local Government. We are inclined to think the marriage should be *ipso facto* annulled in such cases *pro salute animarum*. Hindu converts to Christianity have been given relief by Act XXI. of 1856, and there is no reason why converts to Islam should not enjoy the same relief. A Hindu female convert to Islam could not claim domestic and marital rights from her Hindu husband, and this being so, it may be doubted whether it were not sounder policy to permit her to marry a Mahomedan. But there is a good deal to be said on both sides.

We have no space to discuss the chapters on land law and tenant right. There is an important rule that all mines of metal or coal, and all earth oil and gold washings, shall in every case be deemed to be the property of Government. In striking contrast to the Bengal Tenancy Act is the rule, that no tenant shall be deemed to acquire an occupancy right by mere lapse of time; but there are many special rules for special districts. Occupancy holdings are declared to be transferable, but the landlord may claim to purchase the right by paying the value fixed by a Revenue Officer; occupancy tenants have certain well-defined privileges; village cesses leviable are fixed by Revenue officers; and there are excellent provisions regarding the village common land.

The first edition of Mr. Rattigan's book was noticed in the *Calcutta Review* for January 1880. The Digest is conspicuous for its clearness and conciseness, and the position and name of the author are a sufficient guarantee of its accuracy.

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*The Anglo-Indian Codes.* Edited by Whitley Stokes, D. C. L. Vol. II. Adjective Law. Oxford: Printed at the Clarendon Press 1888.

“OUR principle is simply this—uniformity when you can have it; diversity when you must have it; but, in all cases certainty.” The author prefaces his work with this maxim from Macaulay; but the work itself shows that certainty

is not altogether a characteristic of Indian case-law. The *pieces de resistance* of the present volume are, of course, the Criminal and Civil Procedure Codes. The object of the former was to have a single and complete Code for the whole of India; and a Code of 568 sections has been substituted for eleven enactments containing 1,020 unrepealed sections.

We have had no time to criticise the work for this number; but we hope to be able to review the book fully in our next issue. For the present it is sufficient to say that the work is a most important contribution to Indian Law; and having regard to the great legal attainments of the author, and to the high position he filled for some years in the Government of India, it is probable that "The Anglo-Indian Codes" will be an incentive to the greater study of Indian law by English, lawyers, and may even have some influence on legislation in England. The introductions and appendices are most useful; and there is much in them that could not have been written by anyone who had not had access to the records of the Legislative Department. The notes are models of brevity and relevancy. The book should be in the hands of all High Court and Sessions Judges.

*Art-manufactures of India.* [Specially compiled for the Glasgow International Exhibition, 1888]. By T. N. MUKHARJI, F. L. S., Indian Museum, Calcutta. Officer in charge of the Indian Central Office for the Glasgow International Exhibition. Calcutta: Printed by the Superintendent of Government Printing, India, 1888.

IF all Exhibition Guide Books were written like this one, they would be pleasanter reading than they very often are. Mr. Mukharji has strung a vast amount of information together in very readable form. He is quite as much at home in Archæology and History as in his account of India's Art-manufactures; and his references to old-world literature are to the point. Of the existing condition of Art in India he has a very poor opinion. The pictures painted by latter-day artists are, in his opinion, "simply coloured daubs," in the composition of which no attention is paid to symmetry, to perspective, or to an effective adjustment of light and shade. "But," he says, "we are, perhaps, on the threshold of a revival of pictorial science in India, not of the old indigenous kind, but of the Art as it is now established in Europe." The "science" of Government Schools of Art is expected to bring about this renaissance. It appears that an ex-student of some School of Art is able to charge from Rs. 100 to Rs. 300 for a life-size portrait in oils. There are also certain stock-subjects

for Lahore water-colour painters and certain market prices fixed as the rate proper to be paid for them. Here is the tariff:—

			Rs.
The great Battle of Kurukshetra	...	...	80
The Court of the Kauravas	...	...	70
Kansa being slain by Krishna	...	...	40
The Kálinág Mathan	...	...	40
Sitá in captivity	...	...	30
The Varāha Avatār	...	...	30
The Vāmana Avatār	...	...	25
The Narasinha Avatār	...	...	15
The Jagannāth, or the Lord of the World	...	...	7

Ethnological pictures are made at Jhang and Nawashahr, in the district of Jalandhar, Punjab, and mythological pictures in the Native style are painted at Kangra and Kapurthala.

About Art in Burma, Mr. Tilly of the Public Works Department is quoted as follows:—

"The majority of the Burmans seem to draw by intuition; and those among them who have been trained to any art are masters of the pencil, although they have little idea of perspective or of the balance of light and shade. Although the details are conventional, the general idea is the creation of the workman. It is not, therefore, surprising that the artists of the country produce wonderfully good pictures of dramatic or mythical incidents, full of life and humour; for, in these branches of art, conventional attitudes are not out of place. Their portraits, though somewhat like the original, are stiff, and the backgrounds or accessories are absurd, being generally badly-drawn representations of articles of European furniture. Landscape-painting is in its infancy; but the artists are anxious to learn. Altogether, pictorial art in Burma is progressing, and the artists are conscious that they have much to learn, so that there is every hope that they will rapidly improve.

"Pictures are drawn on cotton, stretched tightly on a light wooden frame. The cotton is first washed over with size, after which the subject is outlined in charcoal, and, when correct, in red ochre; after that the colours are laid on as required. The background is generally a flat wash of dark colour."

All the Delhi artists who paint on ivory, claim Persian descent. Seal-engravers are to be found in almost all large towns. Porcelain gods are now imported from Europe. Funeral pyres and masks made in Burma are classed under the heading "Fine Arts."

Indian architecture is conservative, unreceptive, unsatisfactory in its modern developments, given to following the square rule of absolute ugliness affected by the Public Works Department. Dr. Hendley is quoted thus: "Before beginning a building a Native artist generally prepares a design showing the arrangement of rooms and more prominent features; but the details are usually worked out as the building progresses, and the ornament is, as often as not, the result of individual taste and effort, rather than of slavish mechanical copying of the ideas of a master." Indian workmen take

from all sides. Small boys may be seen trying their 'prentice hand on some simple design, seated beside the old men in spectacles, who have long acquired the skill necessary to the carrying out of the more elaborate conventional renderings of the Hindu Pantheon. What the bard and the story-teller were to the people in the days when all history was oral and handed down from father to son—that the Benares engraver is to the present day in regard to pictorial religious art. His old archaic art ballads and tales are there stored away in his brain, to be repeated over and over again, with scarcely a variation. The audience he recites to love no change; the gods their fathers had engraved on their brass or copper vessels are the gods they know and recognise. The symbols of their old faith they require unchanged from the hand of the graver; and thus, ever to the rhyme of the tap, tap, of the hammer, are quaintly traced on the shining, shimmering brass or copper the same lines, carving and weaving beneath an attentive gaze into a pictorial representation of what may be called the Hindu Nibelungen Lied.

There is a chapter on Arms and Armour, noteworthy to us mainly because in it Sir George Birdwood is quoted as an authority for the statement that the famous Damascus sword-blades were, as a matter of fact, fashioned of Indian steel. Our author writes: "The manufacture of arms in India is dying out. Its days are past! As to peaceful cutlery, Sheffield and Birmingham are steadily driving Indian manufacture out of the field. But the great god Competition is paramount. His ordinances who dare gainsay? Pottery remains to us, and carpets, and tussers, and muslins. Not the inutilities that could be passed through a wedding-ring,—but good, serviceable, useful stuffs." About Indian pottery this note of Sir George Birdwood's is worth extracting:—

"In the best Indian pottery, we always find the reverent subjection of colour and ornamentation to form, and it is in attaining this result that the Indian potter has shewn the true artistic feeling and skill of all Indian work masters in his handiwork. The correlation of his forms, colours, and details of ornamentation is perfect, and without seeming premeditation, as if his work were rather a creation of nature than of art; and this is recognised, even in the most homely objects, as the highest achievement of artifice."

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*Colburn's United Service Magazine, with which is incorporated the Army and Navy Magazine.* For September and October 1888. London: W. H. Allen & Co., 13, Waterloo Place, S. W.

REAR Admiral J. N. East who was on board H.M.S. *War-spile* as a spectator during the late Naval manœuvres, gives some account of them in *Colburn's United Service Magazine*. After detailing the operations the gallant Admiral enquires: "Now, what are the lessons (if any) to be learned from these manœuvres?" Some think that the "if any" is a sufficient answer. The Admiral seems to think so too, for

further on in his paper, he remarks: "But, after all, it is impossible to compare these peaceful manœuvres, hampered with endless rules and conditions, with the state of real warfare."

In the October No., Colonel E. H. Paske has contributed an article on *The Relations of Persia with Russia*, in which it is written:—

There are those who question the advantage of a neutral zone or independent territory, between the dominions of Great Britain and Russia in Asia, arguing that, in the interests of civilization and of peace, the frontiers of the two Powers should be conterminous; but let those bear in mind that Persia and Afghanistan, while independent, are outworks for the defence of India; subjugated by Russia, they become the first parallels whence attack may be made on British India.

*The National Review*. October 1888. London: W. H. Allen & Co., 13, Waterloo Place, S. W. 1888,

THE *National Review* for October is replete with good matter. Anglo-Indian readers will probably turn first to the article on Sir Herbert Edwardes, which is a criticism on the Memorials of his life lately put forth by his widow. The *National Reviewer* writes:—

A woman undertaking to tell the life-story of the man who, to her, was the best beloved and the most venerated of human beings, can hardly avoid the temptation of saying too much. She must herself see the beauties of her hero's character more clearly than the most sympathetic of impartial biographers, and she may succeed in portraying them more truthfully; but it is almost impossible for her to keep constantly in mind that she is writing for the public, to whom that hero was simply an actor on the world's stage, not for herself, to whom he was also the dearest of friends. The radical fault of most modern biographies is that they are heavily weighted with irrelevant and superfluous matter; and from this fault the *Memorials of the Life of Sir Herbert Edwardes* is not free. The book would have been twice as effective and twice as popular, if it had been only half as long. One regrets this defect all the more because much of what Lady Edwardes has herself written possesses a singular charm. Her style is lucid, unaffected, and engaging. Her enthusiasm is such that it cannot fail to excite a responsive glow in the heart of every sympathetic reader; and, before we lay the book down, we are fain to admit that the man deserved all the love and admiration which she bestowed upon him.

For the rest, the article is fully appreciative of the noble character and the good work done by "one of the most remarkable of Anglo-Indian soldier-statesmen." In this issue an account is given of his career up to the time of the outbreak of the Mutiny. We look forward to the promised continuation.

A review by a Local Secretary of the educational results attained by means of "University Extension" will be read

## CRITICAL NOTICES

with interest by all who are interested in the cause of Education. The scheme seems to have answered admirably the purposes for which it was designed.

A writer on "*Some literary idolatries*" censures latter-day apotheosis of Ford Heywood, Middleton, Tournear, and the crowd of cockle-boats that followed in the wake of the poet leviathan of Elizabethan times. The critic is especially affronted by the praise bestowed on Webster and Dekker, who were, according to Mr. Swinburne, "gulfs or estuaries of the sea which is Shakespeare." Charles Lamb considered Ford of the first order of poets; tells us that "he sought for sublimity not by parcels in metaphors or visible images, but directly where she has her full residence, in the heart of man,—in the actions and sufferings of the greatest minds." Possibly, says the National Reviewer, this was how, and where Ford sought for sublimity—"whether he found it is another matter."

Mr. Gerald Massey promulgates his views on Myth and Totemism. We make the following extracts:—

The term "worship" is too often imported into the remotest past from lack of the larger knowledge which might have supplied a more rational explanation of human phenomena. If the primitive or archaic men had begun by worshipping beasts and holding their deadliest foes religiously sacred as their dearest friends, if they had not fought with them for very existence every foot of the way, and conquered at last, they never could have attained supremacy over their natural enemies of the animal world. Totemism does not imply any worship of animals on the part of primitive men.

It is the sheerest fallacy to suppose that the most undeveloped aborigines began to worship, say, fifty beasts, reptiles, insects, or birds because each, in some way or measure, fulfilled one of fifty different conceptions of the deity that was recognized beneath its half-hundred masks. Nor does Totemism prove the existence of an alleged "savage mental attitude," which assumes a kindred between man and beast, nor of a "savage habit of confusing in a community of kinship men, stars, plants, beasts, the heavenly bodies, and the forces of nature." This is to confuse the mystical descent according to the totemic type with an actual descent from the original animal; to mistake the sign of kin for kinship. The confusion here is mainly modern; civilized not savage. Totemism was earlier than the anthropomorphic mode of representation; hence the system remains almost universally pre-human, and is, to a large extent, zootypological.

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If men had abstained from eating the animals on the ground of spiritual kinship and intercommunion of nature, because of a confusion or identification of themselves with the beasts, they ought to have abstained from eating any; whereas they ate them all in turn, the exceptions being made solely on the artificial ground of the totemic brotherhood. The beast only became of the "same flesh" with the particular family because it had been consciously *adopted* as their totem, ancastral animal, or foster-brother of the blood-covenant, and not on account of any belief that they descended from this or the other non-human parent with a different progenitor for every separate group.

Here is a noticeable extract from the Review's political summary, apropos of the Emperor Frederick's Diary :—

We confess that the impression left on ourselves has been that, in regard to the proclamation of the German Empire, the Crown Prince showed himself fussy and unstatesmanlike, while Prince Bismarck evinced his usual judgment and acumen. The entries in the Diary concerning a Liberal Constitution for Germany are dated some years back. Even made at that time, they showed the Prince to have more enthusiasm than good sense; and, if they represent the opinions he held in his declining years, we can only conclude that his melancholy death was not for Germany an unmitigated misfortune.

*A Text-Book of Euclid's Elements for the use of Schools:* Parts I and II., containing Books I.—VI. By H. S. Hall, M. A. formerly scholar of Christ's College, Cambridge, and F. H. Stevens, M. A., formerly scholar of Queen's College, Oxford, &c. London and New York: Macmillan & Co., 1888.

PARTS I. and II. containing the first six books of Euclid have been published in one volume, a model of clear type and accurate printing, well bound, well got up in every respect. Too well got up, we fear, for the generality of Indian students, who can hardly indulge in typographical and book-binding luxuries, when books can be had so cheap in bazar booksellers' shops.

In their elucidatory notes and comments Messrs. Hall and Stevens have been at pains to smooth away difficulties—to make every thing clear to beginners. Every Proposition, for instance, is clearly divided into its constituent elements of Construction and Proof: *given lines* are more thickly denoted than *lines of construction*. The Proofs and Examples adduced appear to have been carefully selected:

*Marianne, and other Poems.* By Joseph Barnes Swift Boyle. Lucknow: Printed at the London Printing Press, 1888.

MR. Joseph Barnes Swift Boyle has been impelled to write a poem. Nothing short of blank verse would serve his ambition. Here are some examples of its development :—

"Hast thou done wisely? know that he it is  
Whom all men say to Juda's throne aspires;  
Whom wordy patriots spout in public place,  
Shall wield again the sceptre of his sires."

"I cannot bide it. I will know the why  
My lord treats me with such asperity."

Here and there we are treated to rhymes, such as the following :—

"Drink, boy, drink, away with life's short sorrow,  
We have to-day, what is to us the morrow?  
Drink, boy, drink, the cup brims o'er with laughter,  
So wine be mine, I care not for the after."

We have "the-why," "the after," "the morrow," and probably, had we looked through the book with sufficient diligence we should have found "the before," "the to-day," &c. But we envy "the Boyle" his imperviousness to "hot coppers," for we presume this is what he intends to convey in the last line. "

Mr. Boyle is gifted with humour as well as sensibility. But it is a great shock to one's nervous system to come on the following, after one has saturated oneself with Mariamne. Moreover, ancient is no word for it: it is primeval, not to say pre-adamite:—

They passed by where I stood,  
And thus did 'Tilda say,  
What for you pinch my *chumra*, Sir?  
*Hum ma ko bolingay!*

*Catalogue of the Sanskrit Manuscripts in the Library of the India Office.* Part I.—Vedic Manuscripts. By Julius Eggeling, PH. D. Professor of Sanskrit and Comparative Philology in the University of Edinburgh. London: Printed by order of the Secretary of State for India in Council. 1887.

WE have to thank the Secretary of State for India for Part I. of a Catalogue of the Sanskrit Manuscripts in the Library of the India Office. It deals with Vedic Manuscripts, and Dr. Julius Eggeling, Professor of Sanskrit and Comparative Philology in the University of Edinburgh, is responsible for it. He tells us, in his preface, that originally the main portion of the work was assigned to Dr. Haas, of the British Museum, in conjunction with himself. But the untimely death of Dr. Haas has devolved on his coadjutor "the somewhat delicate task of arranging and revising the manuscript materials" left behind by that gifted scholar. Besides this residuary tutelage, Professor Eggeling acknowledges literary obligations to Dr. Rost, Dr. Windisch, and Professor Aufrecht, and the work is well done. But are there no English Sanskritists except Monier Williams? Are there never going to be any—officially? It is England, not Germany, that is the dominant power in India. It is a serious reproach on English scholarship—a reproach which we believe to be alike unmerited and indefensible—to make these professional appointments a German monopoly. Our Universities ought to begin to assert their claims to recognition. Here are a couple of samples of the careful way in which the work of catalogueing has been done. The first from the *Atharva Veda*:—

526A. Foll. 27; size 9½ in. by 3½ in.; legibly written, in Devanāgarī, in the earlier part of the 17th century; 8—11 lines in a page.

*Yajñaprāyascittasūtra*, a collection of rules for the expiation of irregularities in the performance of sacrifices, according to the *Atharva-veda* ritual. The treatise is called *Vaitāyana-sūtra* outside, but according to the colophon, this is the title of a larger collection of which this is the chapter on *prāyascitta*. It is doubtless the portion of the *Vaitāna-Sūtra* referred to by Dr. Garbe (in his edition, Pref. p. v. MS. C.) as immediately succeeding the practical sacrificial portion (of 8 adhyāyas) published by him. The MS. begins :—

अथातो याज्ञे कर्मसि प्रायश्चित्तानि वाखासयामी विधायपराधे  
मर्वत् पुनः कार्यं कृत्वोत्तरतः प्रायश्चित्तं प्रायश्चित्तं वा  
कृत्वोत्तरतः समाधानं यत्पूर्वं प्रायश्चित्तं करोति ।

According to the colophon, the work (*i.e.* the *Vaitānasūtra*) consists of 14 lectures, of which this MS. contains the last six, each sub-divided into a number of sections, *viz.* Adhyāya I. into 5; A. II. into 9; A. III. into 10; A. IV. into 4; A. V. into 6; A. VI. into 9 sections. After this there follows another paragraph which is numbered 10, beginning.

अथ यत्रै तत्पार्थिवमांतरिचं दिवं ।

The colophon runs thus : इति श्रीअथर्ववेदे वैतायनसूत्रे  
प्रायश्चित्तिः प्रसंगे चतुर्दशमोऽध्यायः समाप्तः ॥ after which by a  
different hand : श्रीसर्वविद्यानिधानकवीन्द्राचार्यसरस्वतीनामथर्व  
वेदे वैतायनसूत्रे प्रायश्चित्तिप्रसंगपुस्तकम् ॥ [H. T. COLEBROOKE.]

The other extract ends as follow :—

इति श्रीमत्परमहंसपरिव्राजकमननादीनि कृत्वा-  
वैसमाधियरवेगिनां श्रीशुद्धानंदपूज्यपादशिष्य भगवदानंदज्ञानगि-  
रि कृतायां कृंद्दोग्रभाष्यटीकायामष्टमोऽध्यायः ॥ संमतं १८५३  
जेठमासे शुक्लपक्षे चतुर्दश्याम १४ सोमवारे । [H. T. COLE-  
BROOKE.]

990b. Foll. 134; same size; well written, in Devanāgarī; eleven lines in a page.

*Chāndogyaopanishad-bhāṣyatikā*, a commentary on *Sankara's* work by *Anandajñānagiri*.

*Catalogue of the Batrachia Salientia and Apoda (Frogs, Toads and Cæcilians, of Southern India. (Illustrated by Thirteen Plates). By Edgar Thurston, Superintendent Government Central Museum, Madras, Corresponding Member of the Zoological Society of London, &c. Madras: Printed by the Superintendent, Government Press. 1888.*

**M**R. Edgar Thurston, of the Government Central Museum Madras, has made a catalogue of Southern Indian

batrachia, salientia, and apoda, and has illustrated it graphically. If any one is curious to know what a batrachian alderman looks like, let him turn to Plate X. On the next page he will find an illustration of the courtly manner in which a frog can dance a *pas seul*. On the next to that again, we see a frog resolving himself into a nightmare.

Mr. Thurston says that

Though as many as fifty-eight different species of Batrachians have been already recorded from Southern India, it is highly probable that some new species still remain to be discovered in the as yet imperfectly explored hill-ranges and forests; and of many which are already known, in some cases only from single specimens, much remains to be learnt as to their haunts, habits, and life history.

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*Journal of the Health Society for Calcutta and its Suburbs.*  
Vol. IV.—Part II, 1888. Calcutta: Printed by the Calcutta Central Press Company, 5 Council House Street.

THIS Society continues to do excellent work, and can afford to despise the disparagement which it has received at the hands of a certain class. It has persistently fought down opposition, and has drawn the attention of the civilized world to the fact, that the health of Europe is constantly menaced by the insanitary condition of Calcutta. The present number opens with an appreciative and encouraging letter from Miss Florence Nightingale. Then follows, at length, the Resolution of the Government of India, dated the 27th July 1888, on the practical application of sanitary principles to towns and villages in India, and a note by the Council on such Resolution.

The Health Society is of opinion that, until visible progress shall have been made, and the improvement of general sanitary conditions sensibly appreciated, the only wise policy to be pursued will be that which shall make a provision for sanitary work being a recognised portion of the financial contracts between the Central and Provincial Governments, and which will reserve to the Government of India the sole right of raising funds for sanitary purposes, and through the local Governments, distributing such funds upon carefully settled yet liberal conditions, and as they may be needed.

Other important questions are dealt with, such as the milk-supply, and the prevalence of leprosy. The latter subject is now under the consideration of Government in the Medical Department. As to the malpractices of *gowalas* and the proper supervision of cowsheds, the new Municipal Act gives power to the Municipal Commissioners to regulate the places to be used for keeping cattle, and bye-laws may also be passed sufficient to give complete control over the whole question of

milk-supply. The Society has urged on the Government the construction of the central road from Sealadah to the river, a work which is imperatively called for on the highest sanitary grounds.

The reforms which are advocated by the Health Society are also advocated by the Army Sanitary Commission, and it is to be hoped that their introduction will no longer be delayed by indifference, prejudice, or short-sighted economy. It has been calculated that 38 millions of deaths have occurred in India within the last decade from epidemics, which in other parts of the world have been either wholly obviated or curtailed within narrow limits; and there are said to be twenty cases of suffering for each death. The Health Society has indeed a vast field before it.

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*A sketch of the Administration of the Hooghly District from 1795 to 1845, with some account of the early English, Portuguese, Dutch, French, and Danish Settlements.* By George Toynbee, Magistrate and Collector of Hooghly. Bengal Secretariat Press, 1888.

THIS volume contains the essence of the information contained in the old records in the office of the Collector of Hooghly from 1795 to 1845, when Howrah was separated from Hooghly, and became an independent Magistracy. The author has been indefatigable in his labour of compilation, having examined no less than 258 volumes of old correspondence, containing upwards of 50,000 letters. It would be an excellent thing if every Collector in the Province could overhaul his record-room in so thorough a manner, and give the public the results of his researches. Though, as the author modestly admits, the work lays no claim to originality, yet it requires considerable administrative knowledge and discrimination to put together, in a popular form, a mass of information gleaned from rapidly decaying books and records, not easily available even to Government officers, and quite beyond the reach of the general public.

We have no time to notice the book further in this issue, but we shall notice it further in our next. Meanwhile the author is to be congratulated on having completed a most useful work, which reflects considerable credit on his industry.

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*The Indian Church Quarterly Review.* Edited by the Rev. A. Saunders Dyer, M. A. The Oxford Mission Press, Calcutta, 1888.

TO English laymen probably the most interesting article in the October issue of the *Indian Church Quarterly Review*

will be the one dealing with the ancient British Church by the Rev. W. S. Lach-Szirma. The initial contention is, that in Cornwall there was existent a vigorous Brito-Celtic Church long before Saint Augustine landed at Thanet in 596. Mr. W. S. Lach-Szirma develops this contention and recalls clinging memories of Falmouth, St. Gerrans, St. Keverne, Helstone, and the bright sunshiny sweep of the Neapolitan Bay between Penzance and Marazion. Of the early beginnings of Christianity in the west of England, he writes:—

Nor was this Christianity ever stamped out in many parts of England by heathenism? In Cornwall and on the Welsh border, this pre-Augustinian Christianity has never, till this day, been destroyed, though possibly the Christians of the sixth century there were more devout and self-denying than those of the nineteenth. In Cumberland, Lancashire and the Wirral, it has existed since the beginning of the 6th century; in Cornwall probably since A. D. 450, if not long before then.

There were small Christian Churches in Britain even in the second century. The Reviewer's own impression is, that the real establishment of the Christian Church in Britain on a firm basis, was effected about the time of Constantine the Great, or soon after. Geography, chronology, history, are all landmarks on the sands of time pointing to such conclusion.

The symbol of the Labarum of Constantine was discovered at Phillack Church (in Cornwall) rudely inscribed on a granite stone now built into the porch. It is not far from the famous Constantine stone—without doubt a genuine relic of the rule in Cornwall, as it says, of the "Divine Flavius Constantine Cæsar Augustus."

The dress of the Brito-Celtic clergy was a long tunic with a cape of fur. It is suggested that this fact may possibly have some connection with the word super-pellicium—surplice. Furthermore that the fur tippet of the University B. A. degree, is derived from it.

One of the oldest tombs in England is that of Silus, Bishop of St. Just.

The archaic Celtic names of some Cornish parishes have attracted the author's attention, for instance, Levan, St. Sennin, St. Madron, St. Erth, St. Sithney. St. Germoe's name still lives in an archaic little village about four miles from Marazion. The whole country abounds with memorials of a great and most interesting past.

### ACKNOWLEDGMENTS.

*A Brief Miscellany of Indian Medicines.* By Binoy Krishna Ghose. Printed by N. C. Pal, at the "Indian Patriot Press," 108 Baranasi Ghose's Street. 1887.

*Colburn's United Service Magazine.* For November 1888. London: W. H. Allen & Co., 13, Waterloo Place 1888.

*Review of the Revenue Administration of the Province of Oudh.* For the year ending 30th September, 1887.

- Report on the Income-Tax Administration.* For the year 1887-88.
- Notes on the Annual Return of the Dispensaries and Charitable Institutions of the N.-W. Provinces and Oudh.* For the year ending 31st December 1888.
- Report on the Working of District Boards in Bengal* during the eighteen months ending 31st March 1888.
- Twentieth Annual Report of the Sanitary Commissioner of the N.-W. Provinces and Oudh.* For the year ending 31st December 1887.
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- Report on the Revenue Administration of the Lower Provinces.* For the official year 1887-88.
- Review of the Trade of India.* In 1887-88.
- Resolution on the Administration of the Stamp Department in Bengal.*
- Report on the Horticultural Gardens, Lucknow.* For the year ending 31st March 1888.
- Report of the Legal Affairs of the Bengal Government.* For the year 1887-88.
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- Accounts of the External Land Trade of British India.* For the five months, April to August 1888.
- Report on the Administration of the Customs Department in the Bengal Presidency.* For the official year 1887-88.
- Report on the Police of the Lower Provinces of the Bengal Presidency.* For the year 1887.
- Railway Trade Report of the N.-W. Provinces and Oudh.* For the year ending 31st March 1888.
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